

## Legal and Policy Infrastructures of Returns in Greece

### Country Dossier (WP2)

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## List of abbreviations

AMIF	Asylum, Migration and Integration Fund
AVRR	Assisted Voluntary Return and Reintegration
CJEU	Court of Justice of the European Union
DRC	Danish Refugee Council
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
GAS	Greek Asylum Service
GCR	Greek Council for Refugees
GNCHR	Greek National Commission for Human Rights
HIAS	Hebrew Immigrant Aid Society
IOM	International Organisation of Migration
JMD	Joint Ministerial Decision
MENA	Middle East and North Africa
MMA	Ministry of Migration and Asylum
MS	Member State
NCCBS	National Coordinating Centre for Border Control and Surveillance
NGO	Non-Governmental Organisation
OCAVRR	Open Centre for Migrants Registered for Assisted Voluntary Return and Reintegration
PD	Presidential Decree
PROKEKA	Pre-Removal Detention Center
RSA	Refugee Support Aegean
TCN	Third Country National
UAM	Unaccompanied Minor
UNHCR	United Nations High Commissioner for Refugees

## Summary

Greece has a long history of (formal, informal and irregular) return migration policies and practices that have taken different forms depending on the political and socioeconomic context, including forced returns, deportations, push backs, spontaneous returns, and assisted voluntary returns. Since 2015, a number of developments foregrounded specific return procedures and practices, such as the EU-Turkey Statement and the increasing number of land and sea pushbacks (as reported/evidenced especially after the events in the Greek-Turkish border region of Evros in 2020). More recently, further institutionalisation of returns can be observed with the establishment of the Directorate of Returns and Withdrawals in 2020 and the position of a National Coordinator of Returns in late 2023 within the Ministry of Migration and Asylum (MMA).

The present Country Dossier discusses the legal and institutional framework governing returns in Greece and highlights a number of gaps in terms of legal certainty, consistency and guaranties. The legal framework is characterised by ambiguity, mainly due to preceding legal arrangements on ‘administrative expulsion’ that remain in force. Particularly, Law 3907/2011 which transposed the Return Directive 2008/115/EC into the Greek legislation and determines the operation of returns, coexists with Law 3386/2005 concerning the administrative expulsions of Third Country Nationals. An additional complexity also arises as regards the multiple national, supranational and international actors involved in returns.

While the responsibility to design and implement migration policy as a whole lies with the MMA, the police authorities also have wide legal competences in return migration governance, especially in what concerns administrative expulsions, return decisions, detention and the management of the detention system. Existing legal safeguards against return, as for example those applying to minors, pregnant women, crime victims etc., are implemented under the proviso that a TCN is not considered dangerous for national security reasons, something which is again decided by the police.

As a result, a number of inconsistencies emerge, including the fact that the respective state administration is often able to bypass the procedures of the Directive and apply the deportation procedures. This is the case, for example, with expulsion decisions issued against TCNs illegally entering Greece at the borders even if the TCNs subsequently apply for international protection and obtain a permit to stay in the country; something that raises issues of compatibility with Article 2 para. (2) (a) of the Return Directive.

Furthermore, the implementation of return, in most of its forms, is usually closely linked to detention as detention is the rule rather than the exception when there is a decision for return or deportation. This becomes evident as administrative detention is used extensively, on the grounds of public order and national security reasons, in some cases solely on the grounds of illegal<sup>1</sup> entry, and despite numerous reports evidencing that the existing detention conditions severely violate detainees’ rights and dignity.

Existing legal inconsistencies are accompanied by poor data availability on returns. Data inconsistencies exist among different data categories (e.g. between administrative procedures

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<sup>1</sup> Throughout this dossier the term ‘illegal/illegality’ refers to the official terminology of the Greek legal system. The Greek term in the legislation is *παράνομος* which has the sense of ‘violating the law’. Obviously, enough, the term also has political and moral connotations which the authors do not endorse, while being aware that the reproduction of official terminologies almost unavoidably reinforces such nuances.

and actual enforcement of returns), different data sources and different terms used. These observations may partly point to shifts in systems of recording and reporting on data over the years, alongside (in)consistency between statistical and legal categories and (lack of) convergence with EU terminology.

Assisted Voluntary Return and Reintegration program run by IOM provides the ground for a more humane approach to return migration, even if the context in which it operates is one of coercion, as it also addresses migrants who have been issued with a return decision and even detainees. Nevertheless, it remains underfunded if compared to other types of forced removals, a choice that reveals the political priorities of the authorities in current return and – more generally – migration issues.

## The GAPs Project

GAPs is a Horizon Europe project that aims to conduct a comprehensive multidisciplinary study on the drivers of return policies and the barriers and enablers of international cooperation on return migration. The overall aim of the project is to examine the disconnects and discrepancies between expectations of return policies and their actual outcomes by de-centring the dominant, one-sided understanding of “return policymaking”. To this end, GAPs:

- examine the shortcomings of EU’s return governance;
- analyse enablers and barriers to international cooperation, and
- explore the perspectives of migrants themselves to understand their knowledge, aspirations and experiences with return policies.

GAPs combines its decentring approach with three innovative concepts:

- a focus on return migration infrastructures, which allows the project to analyse governance fissures;
- an analysis of return migration diplomacy to understand how relations between EU Member States and with third countries hinder cooperation on return; and
- a trajectory approach that uses a socio-spatial and temporal lens to understand migrant agency.

GAPs is an interdisciplinary 3-year project (2023-2026), co-coordinated by Uppsala University and the Bonn International Centre for Conflict Studies with 17 partners in 12 countries on 4 continents. GAPs’ fieldwork has been conducted in 12 countries: Sweden, Nigeria, Germany, Morocco, the Netherlands, Afghanistan, Poland, Georgia, Turkey, Tunisia, Greece and Iraq.

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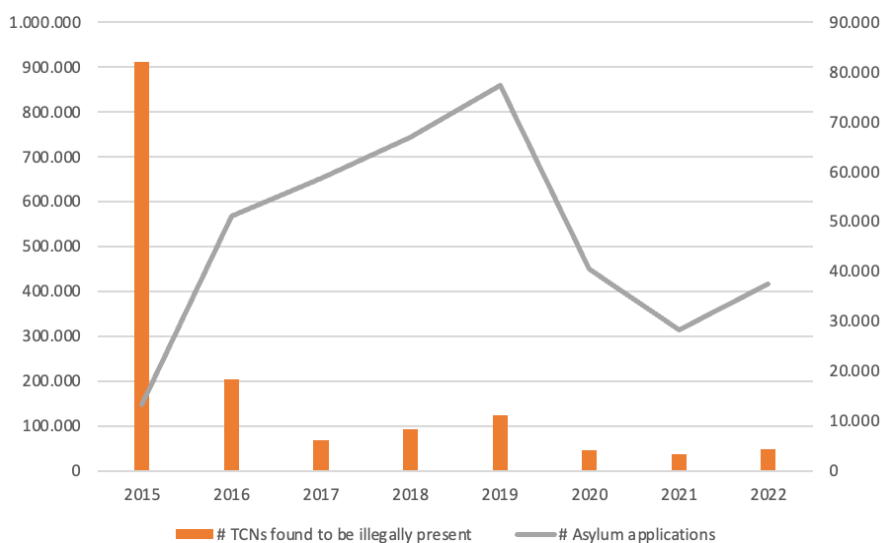
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## 1. Statistical Overview Regarding Returns and Readmissions at the National Level

The full data table is included in the **Annex I**. This introductory section provides a broad overview and description of key data, the implied patterns and trends but also inconsistencies between different data categories and sources. The graph below brings together the first two columns of the Table: data on the ‘stock’ of irregular migrants (literarily: ‘TCNs found to be illegally present in the country’ - see orange bar/ left axis, Column B in Table), and data on asylum applications (line/ right axis, Column C), as derived from the Eurostat database. The overall picture for the period 2015-2022 records the rather ‘exceptional’ pick in the former category over 2015, year of the so-called European migration ‘crisis’, with significant decreases thereafter (considering also the EU Turkey Joint Statement of March 2016), alongside the growth of asylum applications. Since 2017 annual figures of both categories of data appear to show an almost parallel trend, growing steadily and in parallel between 2017-2018, then dropping significantly in 2020-21 (owing to the covid-19 pandemic and its management, involving subsequent lockdowns and highly enforced border controls), while rising again in 2022<sup>2</sup>.

**Figure 1.**



Source: Eurostat (own elaboration)

Next, the table below presents the numbers of TCNs ordered to leave (Column G in Table). We observe a sharp increase during 2016-19, then decline over 2020-21 before rising again in

<sup>2</sup> The former category is based on data on apprehensions for irregular entry or stay, until 2019 also appearing on the Greek police website (<https://www.astynomia.gr/statistik-es-epetirides/statistika-stoicheia-2/statistika-stoicheia-paranomis-metanastefsis>). Yet this data seemingly counts the number of arrests rather than persons (hence an individual may have been arrested e.g. twice, once for irregular entry, and another time for irregular stay). At the same time, while this data match exactly Eurostat data for the year 2016, and only slightly diverge (1-2 persons/arrests) for the years 2015 and 2017/2018, the difference between the two sources reaches nearly 700 in 2019. After that year, these statistics are not anymore published on the police website, and no possible comparison can be made between other official Greek online sources and Eurostat data. Moreover, data on Asylum applications also differ between Eurostat and Greek sources (Ministry of Migration & Asylum).



2022, following a parallel trend with the data described above. Interestingly, the shares of this category in the numbers ‘found to be illegally present’ appear to grow from 11.5% in 2015 to more than 60% in 2017-19 and over 80% in 2020 (presumably, four out of five of those arrested for irregular entry or stay received an order to leave); and remain high thereafter. Notwithstanding the fact that data refer to administrative procedures rather than actual persons (and so statistics for different categories in the same year do not really match as implied above, i.e. do not refer to the same population), this is possibly further indicative of more restrictive policies, increased controls, etc., and may include (potential or failed) asylum claimants.

**Table 1.**

Year	# TCNs ordered to leave	% in TCNs found to be illegally present	# TCNs returned following an order to leave (annual data)	% in the total # of TCNs ordered to leave
2015	104,575	11.5	14,390	13.8
2016	33,790	16.5	19,055	56.4
2017	45,765	67.2	18,060	39.5
2018	58,325	62.5	12,465	21.4
2019	78,880	64.1	9,650	12.2
2020	38,540	81.5	6,950	18.0
2021	28,815	75.8	6,855	23.8
2022	33,500	68.3	6,985	20.9

Source: Eurostat (own calculations)

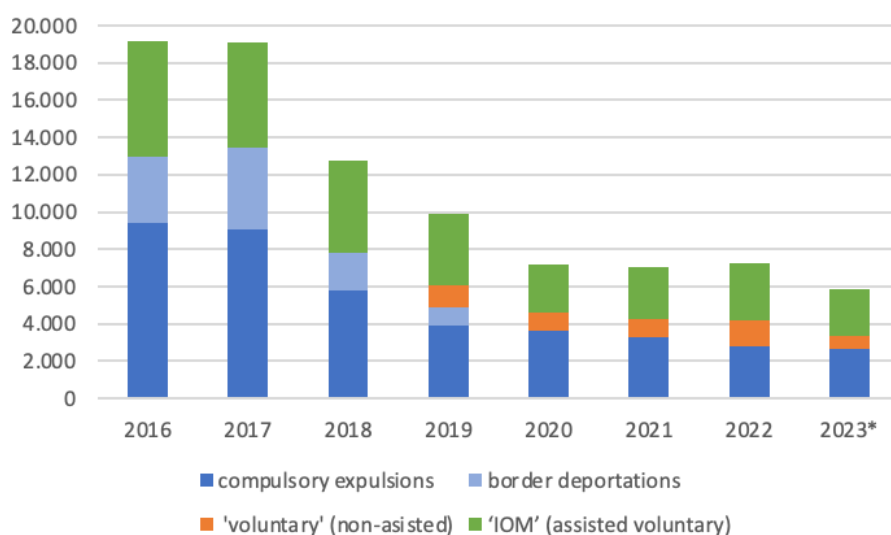
For a number of reasons, however, a minority only of those receiving such an order do actually leave the country. As also shown on the Table, the share of TCNs returned following an order to leave (Column J) among the total number of those ordered to leave was important in 2016 (>50%) and 2017 (nearly 40%) but remained fairly lower since then (12-24%). An even more nuanced picture emerges when looking at the respective nationalities of those ordered to leave and those actually returned (Appendices 1 & 2 in Data Repository). For instance, the overall weight of Albanian nationals somehow distorts the picture: while they form the largest share of returned TCNs (on average exceeding 50% of the annual totals), they rate an annual average of less than 20% among those ordered to leave. On the other hand, more than 70,350 Syrians were ordered to leave during 2015-2022, yet only 1% were returned following such an order; but of 9,660 Georgians ordered to leave over the same period, nearly three out of four were actually returned. In short, major gaps (disparities) are observed between migrants ordered to leave and actual returns following such an order, but also among different nationalities of migrants and countries of return, which are indicative of variations in the diplomacy, implementation and enforcement of returns.

**Table 2.**

Year	# TCNs returned following an order to leave, by type of return (# Total from Quarterly data)	# TCNs who have left to the territory by citizenship
2015	-	-
2016	-	-
2017	-	-
2018	-	12,488
2019	-	-
2020	-	6,083
2021	6,880	6,875
2022	7,015	-

Source: Eurostat

Moreover, annual Eurostat data on TCNs returned following an order to leave are inconsistent with quarterly data on TCNs returned following an order to leave by type of return (Column P), as shown in the Table above. Disparities are not as large, yet when quarterly data are rounded per year they do not match annual data. Similarly, as also shown in the table, there are variations between these two Eurostat tables and that of TCNs who have left the territory by citizenship (Column L). Lastly, relevant data from official Greek sources also reveal different figures (even though not too far from Eurostat ones above), illustrated in the graph below.

**Figure 2.**

\* 2023 data cover January to November

Source: Greek Ministry of Civil Protection (own elaborations)<sup>3</sup>

<sup>3</sup> Monthly data for 2016-19 are downloaded and elaborated from the government data repository (<https://archive.data.gov.gr/dataset/anagkastikes-kai-e8eloyisies-apelaseis-mh-nomimwn-metanastwn>), also available on the portal for European data: <https://data.europa.eu/data/datasets/apelaseis-mh-nomimwn-metanastwn-ana->

Eurodata data also indicate an overall decline in the numbers of returns over that period: from over 19,000 in 2016-17, they dropped to about just above 7000 in 2021-22. Forced returns as a share of the total has also declined, while voluntary returns have increased. The proportion of forced returns was reduced: from 68-70% of total returns in 2016-17, they came to form 47.7% in 2021 and 38.2% in 2022. Between 2016-19, the ‘forced’ category was broken down into two sub-categories, labelled ‘compulsory expulsions’ (literally translating the Greek term ‘αναγκαστικές απελάσεις’) and ‘border deportations’ (‘επαναπροωθήσεις’ in Greek, literally ‘re-forwardings’) – see also section 5.1 in the Dossier on concepts and terms. In the data for years 2019-2020 this category is called ‘returns’ ‘based on the simplified readmission procedure from the northern borders of the country’. Its overall weight within forced returns appears to decrease, from 27.5% in 2016 and 32.8% in 2017 to 25.2-21.5% in 2019-20. No such distinction is made thereafter.

‘Voluntary’ return on the other hand is also depicted in two categories. The most significant is the Assisted Voluntary Return and Reintegration programme (AVRR) implemented by the IOM, which appears to have increased in proportions (e.g. over 40% of total returns in the last couple of years as compared to about 30% in 2016-17, yet the number of beneficiaries in 2022 was about half that in 2016). In 2019 a new category is recorded labelled (non-assisted) ‘voluntary’ (‘οικειοθελής’ in Greek), which remains fairly low but is on the rise (from 12% in 2019 to 19/3% in 2022. In 2016 and early 2017 data, this appeared to refer to ‘voluntary’ returns implemented by the Police; but in the 2019-20 datasets is specified as ‘returns in the context of the returns directive (Law 3907/2011, Art. 22) following a return order with a deadline for voluntary departure, holders of a 78α certificate (of non-removal for humanitarian reasons), withdrawal from an asylum claim’.

Finally, as the Greek government consistently denies performing pushbacks or other illegal practices involving the forced/violent removal of foreign nationals from Greek territory, in response to relevant allegations, relevant estimations based on evidence and testimonies are provided by investigations and documentation by journalists and human rights organisations (see point 15 in section 8 of the Dossier).

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yphkoothta?locale=en), while 2020-2023 data come from the monthly statistic reports on Ministry of Migration & Asylum’s website (<https://migration.gov.gr/en/statistika>).

## 2. The Political Context

Greece has a quite long record of (formal, informal and irregular) return migration policies and practices, at least since the massive increase of migrant arrivals in the early 1990s, mainly of people from Balkan and Eastern European countries, and predominantly from Albania. During that decade hundreds of thousands of deportations to Albania were taking place every year, on the fringes of official legal rules<sup>4</sup>. The so-called ‘sweep operations’ (*epichirisi skoupa*), performed by the police as a means to combat irregular migration and the allegedly associated criminality, enjoyed wide coverage in the national media.

However, from the late 1990s onwards, and in light of the forthcoming 2004 Olympic Games, large-scale regularisation process took place in order to ensure the worker status of previous undocumented migrants<sup>5</sup>. Cheap and precarious migrant labour, especially in constructions, agriculture and domestic services, contributed to the high rates of economic growth of that period. Despite seemingly decreasing, deportations of irregular migrants never ceased to take place, with a number of them constituting land pushbacks. However, accurate official data are lacking<sup>6</sup>.

By the mid-2000s, with the enforcement of the Dublin II agreement, the numbers of people trapped in Greece increased, while their living conditions were seriously deteriorating due to the ongoing recession. After the economic collapse in 2010 and in a context of severe recession and austerity, return migration was influenced in two ways. On the one hand, a hard to estimate number of established migrants with various legal statuses started to leave Greece spontaneously, due to restricted employment opportunities. For some of them this meant their repatriation which, at least for those from neighbouring countries (such as Albania or Bulgaria), has often been associated with the adoption of circular migration routes (often associated with seasonal employment in agriculture and tourism). In the same period the International Organisation of Migration (IOM) launched its program for assisted voluntary returns and reintegration (AVRR).

On the other hand, worsening life conditions in the country were exploited to augment racist discourses and discrimination against migrants (employing the ‘Greeks versus migrants’ tactic). The 2012-2013 conservative government launched an extensive and durable police operation (ironically called Xenios Zeus akin to the ancient God of hospitality) to arrest and deport irregular migrants. What this campaign brought about was not so much an increase of deportation, but a significant increase of the number of racialised people imprisoned in harsh conditions in pre-removal detention centres around Greece, even for periods longer than two years<sup>7</sup>. This specific incarceration and return policy had serious repercussions for newcomers, as the number of people arriving from war-torn and/or poverty-stricken countries continued to rise. During this period, we also witnessed the spatialisation of the EU’s deterrence practices

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<sup>4</sup> Baldwin-Edwards, M. & Fakiolas, R. (1998) Greece: The contours of a fragmented immigration policy. *South European Society & Politics*, 3(3): 186-204; Maroukis, T. (2008) *Undocumented migration: Counting the uncountable. Data and trends across Europe*. Country report for CLADESTINO project. Available at: [www.eliamep.gr/wp-content/uploads/2017/12/clandestino\_report\_greece\_final\_3.pdf]. Accessed: 9/9/2023.

<sup>5</sup> Lazaridis, G. & Poyago-Theotoky, J. (1999) Undocumented migrants in Greece: Issues of regularisation. *International Migration*, 37(4): 715-740.

<sup>6</sup> Kourtovik, I. (2001) Migrants between law and illegality. In Marvaki, A., Parsanoglou, D., & Pavlou, M. (eds.) *Migrants in Greece*. Athens: Ellinika Grammata, pp. 163-198. (In Greek).

<sup>7</sup> Human Rights Watch (HRW) (2012) *Hate on the Streets. Xenophobic Violence in Greece*; HRW (2013) *Unwelcome Guests. Greek Police Abuses of Migrants in Athens*, Athens: Human Rights Watch.

on Greek borders. Already from 2010 Frontex has been present in the country with different operations taking place at the land (Evros) and sea (Aegean) borders.

The ‘refugee crisis’ of 2015-16, i.e. the large and rapid increase in arrivals of asylum seekers from Syria, Iraq, Afghanistan and other countries of MENA region (Middle East and North Africa), contributed to a short-term alteration of the dominant negative stances, especially since this was considered as a temporary refugee ‘inflow’ that was directed to other European countries. However, it did not take long before a new return agreement, known as the EU – Turkey Statement was agreed upon in March 2016 aiming to curb the refugee movement. Under this Statement migrants and asylum seekers with unfounded or inadmissible claims would be ‘returned’ (sic) from Greece to Turkey. While its implementation resulted in the decrease of departures from Turkey, it didn’t really reduce the numbers of actual returns that remained very low in comparison with the number of arrivals. At the same time, other EU agreements with Third Countries were paving the way for deportations of specific nationals.

Push-back operations targeting people crossing the Aegean Sea or the Greek-Turkish border region of Evros have been reported in the past<sup>8</sup>, but the number of such reports has escalated since 2019<sup>9</sup>. The Greek governments systematically argue that these allegations ‘are clearly unfounded’ and state officials prefer to talk about entry prevention or effective border guarding<sup>10</sup>. Yet the Greek Ombudsman has identified that pushback operations ‘have been the work or have at least involved state agencies and state agents at the levels of operational planning, logistics and perpetrators’<sup>11</sup>, while the UN Special Rapporteur on the Human Rights of Migrants argued in 2022 that ‘[i]n Greece, pushbacks at land and sea borders have become de facto general policy’<sup>12</sup>. According to data submitted to the Greek Parliament by the Minister of Public Order<sup>13</sup>, 230.993 third country nationals were prevented from entrance in the 10 first months of 2022. Frontex has also been accused of facilitating or remaining inactive in the face of pushbacks, and it has been the subject of several undergoing investigations<sup>14</sup>.

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<sup>8</sup> FIDH, Migreurop, REMDH (2014) *Frontex Greece-Turkey: The borders of denial*, Paris: FIDH; Greek Ombudsman (2023) *Returns of third-country nationals. Special report 2022*. Available at: [<https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/special-report-or-return-of-third-country-nationals-2022>]. Accessed: 18/11/2023.

<sup>9</sup> Border Violence Monitoring Network (2020) *Annual Torture Report*. Available at: [[borderviolence.eu/app/uploads/Annual-Torture-Report-2020-BVMN.pdf](http://borderviolence.eu/app/uploads/Annual-Torture-Report-2020-BVMN.pdf)]. Accessed: 10/09/2023; United Nations, General Assembly (2022) *Human Rights Violations at International Borders: Trends, Prevention and Accountability: Report of the Special Rapporteur on the Human Rights of Migrants, Felipe González Morales, A/HRC/50/31*, 26 April 2022. Available at: [<https://daccess-ods.un.org/tmp/3621627.98643112.html>]. Accessed: 19/12/2023.

<sup>10</sup> Hellenic Republic Ministry of Migration and Asylum (2021) Statement by the Minister of Migration & Asylum of Greece Mr. Notis Mitarachi about Alleged ‘Pushbacks’. Hellenic Republic Ministry of Migration and Asylum Press Release, July 13, 2021. Available at: [<https://migration.gov.gr/statement-by-the-minister-of-migration-asylum-of-greece-mr-notis-mitarachi-about-alleged-pushbacks/>]. Accessed: 19/12/2023.

<sup>11</sup> Greek Ombudsman (2023) *Alleged Pushbacks to Turkey of Foreign Nationals Who Had Arrived in Greece Seeking International Protection*. Available at: [[https://old.synigoros.gr/resources/060521-pushbacks-interim-report\\_eng.pdf](https://old.synigoros.gr/resources/060521-pushbacks-interim-report_eng.pdf)]. Accessed: 19/12/2023.

<sup>12</sup> United Nations, General Assembly (2022) *Human Rights Violations at International Borders: Trends, Prevention and Accountability: Report of the Special Rapporteur on the Human Rights of Migrants, Felipe González Morales, A/HRC/50/31*, 26 April 2022. Available at: [<https://daccess-ods.un.org/tmp/3621627.98643112.html>]. Accessed: 19/12/2023.

<sup>13</sup> AIDA-ECRE (2023) Country Report: Access to the territory and push backs. Available at: [[https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/#\\_ftnref7](https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/#_ftnref7)]. Accessed: 19/12/2023.

<sup>14</sup> Ibid.

## Timeline of return policies in Greece

**Table 3. Return policies timeline in Greece**

1990s	Early 2000s	Post-2008 debt crisis	Post-2015 'refugee crisis'
<p>Law 1975/1991 is adopted to regulate entry and residence of migrants in Greece and to organise deportation procedures.</p> <p>Large-scale deportations of irregular Albanian migrants without legal process, widely known as 'sweep operations'. Fewer deportations of citizens of other countries.</p>	<p>Deportations decrease (but never cease) after successive regularisation programs, in the context of high rates of economic development supported by cheap migrant labour.</p> <p>A Bilateral Readmission Protocol between Turkey and Greece is signed in 2001.</p> <p>EU readmission agreements between various third countries (incl. Albania, Russia, Ukraine and other Balkan and Eastern European countries).</p> <p>Dublin 2 implementation.</p>	<p>Large numbers of migrants leave Greece voluntarily due to high unemployment, either seeking for opportunities in other countries or returning to their countries of origin – sometimes adopting circular migration routes.</p> <p>RABIT operation Frontex (2010-2011) and operation Shield (2012-2013).</p> <p>Construction of the fence in the Greek-Turkish borders (Region of Evros) starts in 2012.</p> <p>Law 3907/2011 is adopted to transpose the Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals.</p> <p>Massive arrests aiming at identifying and subsequently deporting irregular migrants are held under the 'Xenios Zeus' operation (2012-2013).</p> <p>The Greek Ombudsman launches the Recording Mechanism of Informal Forced Returns in 2014.</p> <p>A system of pre-removal detention centres is established with a Ministerial Decision in 2015, regulating already existing detention facilities.</p> <p>IOM launches Assisted Voluntary Return and</p>	<p>Push-back operations in the Aegean Sea and Evros region are increasingly reported.</p> <p>In 2015 Greece becomes one of the main entry points to Europe for more than 1 million refugees and migrants. Five hotspots are established in the islands of Lesbos, Chios, Samos, Leros and Kos.</p> <p>The EU Turkey statement of 2016 creates ground for returns to Turkey. The following years extensive and substantial amendments of the Greek asylum law took place.</p> <p>Closing of the Balkan Route (2016).</p> <p>In 2016, a distinct Ministry of Migration Policy is established for the first time in Greece.</p> <p>In 2020 thousands of migrants gather at the Greek-Turkish border. After that the patrols are reinforced on the Greek side.</p> <p>Seven successive reforms of the Greek asylum legislation follow the launching of the EU-Turkey Statement (18/03/2016).</p> <p>IOM Greece continues AVRR with repeated programs.</p> <p>Frontex gets deeply engaged in border surveillance.</p> <p>The National Commission for</p>

		<p>Reintegration (AVRR) program in Greece.</p> <p>The Greek Asylum Service (GAS) was established in 2011, and started its operation in 2013.</p>	<p>Human Rights (HCHR), launches the Recording Mechanism of Informal Forced Returns in 2023.</p> <p>In the end of 2023, the position of the National Coordinator for Returns is established in the MMA (Law 5078/2023).</p>
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**Source:** Authors' own elaboration

### 3. Relationship between National Law/EU Law/Public International Law

The Greek national law consists of the Constitution, which prevails over any other piece of legislation, followed, in order of precedence, by statute law, presidential decrees, and administrative measures (including ministerial decisions, joint ministerial decisions and circulates). The adoption of new rules of statute law and the amendment of existing ones is initiated by the responsible minister, who asks a special legislative committee to draft a bill. After being inspected by intermediate institutions (the General Secretariat to the Government and the State General Accounting Office), the bill is laid before the Parliament, accompanied by an introductory report explaining its objectives and reasoning. Presidential decrees make provisions for the implementation of statute laws and are made by the President of the Republic on a proposal from the responsible minister(s). Specific administrative measures regulate matters of minor or technical character.

As an EU Member State (MS), Greece follows the principle of the primacy of European law, meaning that EU law prevails whenever a conflict between European and national legislation occurs. In this sense, all European legal instruments prevail over all domestic legal instruments apart from the Greek Constitution. The founding treaties of the European Union are at the same level as the Constitution.

As in other member states, EU regulations are binding and directly effective in Greece, while EU directives are incorporated into domestic law by statute, Presidential decree or ministerial decision. Moreover, all relevant EU directives have been transposed into the national law<sup>15</sup>.

Greece has signed and ratified almost all UN core international human rights treaties<sup>16</sup>, apart from the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)<sup>17</sup>.

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<sup>15</sup> These include:

1. The Directive 2008/115/EC 'on common standards and procedures in Member States for returning illegally staying third-country nationals'.
2. The Directive 2001/40/EC 'on the mutual recognition of decisions on the removal of third-country nationals'.
3. The Directive 2003/110/EC 'on assistance in cases of transit for the purposes of removal by air'.
4. The Directive 2009/52/EC 'on providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals'.
5. The Directive 2004/82/EC 'on the obligation of carriers to communicate passenger data'.

<sup>16</sup> OHCHR (2014) The Core International Human Rights Treaties. New York – Geneva: United Nations Publication. Available at: [<https://digitallibrary.un.org/record/765800>]. Accessed: 12/9/2023.

<sup>17</sup> <https://www.mfa.gr/en/foreign-policy/global-issues/human-rights.html>. Accessed: 12/9/2023; Greece has entered only one reservation on Article 27 of the Convention on the Rights of Persons with Disabilities. This reservation states that: 'The provisions of Article 27(1) of the Convention on the Rights of Persons with Disabilities shall not apply with respect to employment and occupation in the armed and security forces in so far as it relates to a difference of treatment on grounds of disability concerning the service thereto, as provided in Article 8(4) of Law 3304/2005 for the implementation of the principle of equal treatment, adopted pursuant to Articles 3(4) & 4 of the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation'.



It is quite complex to discern whether the Greek legal order can be considered as a monist or a dualist system. The Greek Constitution stipulates that the ‘generally recognised rules of international law are part of the Greek legal order’<sup>18</sup>. Nevertheless, the Greek constitution provides that international treaties are incorporated by ratification into Greek legal order and this incorporation is not automatic since it takes place through the adoption of a formal law for each treaty. According to some scholars<sup>19</sup>, the Greek Constitution provides for a largely monist approach to international law, which is thus meant to be invocable and applicable before Greek courts. However, Greek judicial practice has not necessarily engaged fully with international law, preferring to rely on constitutional provisions regarding human rights and other ‘fundamental’ values.

Article 28 of the Constitution stipulates those international conventions, once ratified by an Act of Parliament, become an integral part of domestic Greek law and prevail over any earlier provision, with the exception of the provisions of the Constitution<sup>20</sup>. The settlement of controversies related to the designation of rules of international law as generally acknowledged in accordance with Article 28 belongs to the competency of the Special Highest Court of Greece<sup>21</sup>.

The incorporation of international treaties into the Greek legal order takes place through the adoption of a law<sup>22</sup>. Furthermore, the Greek Constitution<sup>23</sup> stipulates that ‘Conventions on trade, taxation, economic cooperation and participation in international organisations or unions and all others containing concessions for which, according to other provisions of this Constitution, no provision can be made without a statute or which may burden the Greeks individually, shall not be operative without ratification by a statute voted by the Parliament’.

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<sup>18</sup> Greek Constitution (Art. 28, para 1)

<sup>19</sup> Apostolaki, M. & Tzanakopoulos, A. (2019) “Greece”. In *Duelling for supremacy: International Law vs National Fundamental Principles*, Cambridge University Press, pp. 106-126; Contiades, X., Papacharalmpous, Ch. & Papastilianos, Ch. (2019) The Constitution of Greece: EU Membership Perspectives. In: A. Albi and S. Bardutzky (eds.) *National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law*, [https://doi.org/10.1007/978-94-6265-273-6\\_14](https://doi.org/10.1007/978-94-6265-273-6_14); Rose, M. (2015) Greece and International Law. Available at: [<https://ourpolitics.net/greece-international-law/>]. Accessed: 21/12/2023.

<sup>20</sup> Art. 28 stipulates that ‘*The generally recognized rules of international law, as well as international conventions as of the time they are ratified by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law. The rules of international law and of international conventions shall be applicable to aliens only under the condition of reciprocity*’. According to the same article, ‘*Authorities provided by the Constitution may by treaty or agreement be vested in agencies of international organisations, when this serves an important national interest and promotes cooperation with other States. A majority of three-fifths of the total number of Members of Parliament shall be necessary to vote on the law ratifying the treaty or agreement*’. Furthermore, the Greek constitution provides that: ‘*Greece shall freely proceed by law passed by an absolute majority of the total number of Members of Parliament to limit the exercise of national sovereignty, insofar as this is dictated by an important national interest, does not infringe upon the rights of man and the foundations of democratic government and is effected on the basis of the principles of equality and under the condition of reciprocity*’. Additionally, Art. 2 (para 2) of the Greek Constitution provides that the Greek State adheres to international law.

<sup>21</sup> Greek Constitution (Art 100, para 1)

<sup>22</sup> Greek Constitution (Art 28, para 1)

<sup>23</sup> Greek Constitution (Art. 36, para 2)

As in other EU member states, the judgments of the Court of Justice of the European Union (CJEU) have the force of law in Greece. Its judgments prevail upon national legislation and decisions of national courts that are contrary to the provisions of the EU legislation<sup>24</sup>.

Greece ratified the European Convention on Human Rights (ECHR) in 1974 and is obliged to execute ECtHR judgements. The execution is primarily the competence of the Legal Council of the State, which represents the government before the ECtHR<sup>25</sup>. Greece has been repeatedly found to violate the ECHR in various cases that concern migration policy, including ‘administrative detention, reception and accommodation conditions, the treatment of migrants by the police and border authorities, the asylum system, the treatment of unaccompanied minors, and human trafficking’<sup>26</sup>.

Regarding compliance with the ECtHR judgements concerning migrants, Greece often responded with long delays. Greek authorities tend to take minimal general measures aimed primarily at ending Committee of Ministers supervision rather than strengthening rights protection in the long term and changing entrenched administrative practices<sup>27</sup>.

Regarding the Preliminary reference procedure (Art. 267 of the TFEU), in legal proceedings of eminent importance involving the application of the EU law rules, the Greek courts have made use of recourse to the preliminary reference mechanism. However, it is usually the national supreme courts rather than the courts of appeal that initiate the dialogue with CJEU, whereas first instance Greek courts abstain from exploiting this option<sup>28</sup>.

Regarding decisions of UN human rights bodies, Van Alebeek & Nollkaemper argue that according to findings by the Human Rights Committee (HRC), the Greek state acts in contravention of its obligations under the International Covenant on Civil and Political Rights (ICCPR) which seems not to be considered as legally binding, but can be accepted as a basis of liability of the state. The latter may be obliged to pay compensation under the Greek civil law<sup>29</sup>.

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<sup>24</sup><https://guides.law.columbia.edu/c.php?g=1221803&p=9087306>. Accessed 12/9/2023.

<sup>25</sup> Anagnostou, D. (2023) Domestic implementation of European Court of Human Rights’ judgments related to immigration in Greece. ELIAMEP Policy Paper No 127. Available at: [<https://www.eliamep.gr/wp-content/uploads/2023/02/Policy-brief-127-Anagnostou-final-EN-1.pdf>]. Accessed: 15/9/2023.

<sup>26</sup> Ibid, p.3.

<sup>27</sup> <https://guides.law.columbia.edu/c.php?g=1221803&p=9087306>. Accessed 12/9/2023.

<sup>28</sup> Perrakis, M. (2018) The Activation of the ‘Preliminary Reference Procedure’ Before the Greek Courts. Available at: [<https://www.greeklawdigest.gr/topics/judicial-system/item/320-%CF%84he-activation-of-the-preliminary-reference-procedure-before-th-greek-courts>]. Accessed: 20/9/2023.

<sup>29</sup> Van Alebeek, R. & Nollkaemper, A. (2011) The Legal Status of Decisions by Human Rights Treaty Bodies in National Law. Pp. 18-19. Available at: [[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1817532](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1817532)]. Accessed: 20/9/2023.

## 4. The Institutional Framework/Operational Infrastructure

The institutional framework determining the operation of returns and particularly the actors related to return governance are prescribed basically in Law 3907/2011<sup>30</sup> that transposed the Return Directive 2008/115/EC in the Greek legislation. Concurrently, Law 3386/2005<sup>31</sup> still regulates all the other cases of expulsions of Third Country Nationals (TCNs). Moreover, important changes took place regarding state authorities during the last few years. More specifically, the GAS started its operation in 2013. Three years later, in 2016, a Ministry of Migration Policy was established for the first time in Greece. In 2019 the Ministry was dissolved and merged with the Ministry of Citizen Protection. In January 2020 the Ministry was reinstated as a Ministry of Migration and Asylum (MMA).

In parallel with the establishment of the MMA, with the Presidential Decree (PD) 106/2020<sup>32</sup>, the Directorate of Returns and Withdrawals was founded as one of the five Directorates of the GAS<sup>33</sup>. The Directorate consists of three Departments: a) the Department for the coordination of returns from the mainland and of voluntary returns, b) the Department for the coordination of returns from the islands, and c) the Department of recalls and exclusion<sup>34</sup>. Its operational objective, determined by the aforementioned PD is to:

‘coordinate, monitor and participate in the planning of the management of readmission, return, deportation or relocation procedures, both on national and European Union level, in cooperation with the regional services of the Ministry, the competent Ministries and other stakeholders, the representation of the Ministry in all kinds of conferences, seminars, meetings, technical meetings, working groups or programs and the submission of proposals on the conclusion of bilateral and multilateral agreements and agreements on issues of its competence and assistance to the regional services of the GAS with regard to the procedures for withdrawal, exclusion and review of international protection status’<sup>35</sup>.

Moreover, at the end of 2023 a position of a National Coordinator of Returns was established in the MMA<sup>36</sup>.

The goal for an integrated and coordinated approach to return (and migration) management, both at the EU and at the Member States’ level, is supported through funding from the Asylum, Migration and Integration Fund (AMIF). The state authority responsible for the coordination of the funded actions (including those that aim at developing capacities for

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<sup>30</sup> Law 3907/2011 ‘On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC, etc’.

<sup>31</sup> Law 3386/2005 ‘Entry, residence and social integration of Third Country Nationals on the Greek territory’.

<sup>32</sup> Presidential Decree 106/2020, Art. 26.

<sup>33</sup> The GAS was established under the Law 3907/2011 (then under the Ministry of Citizen Protection) to deal with the examination of international protection applications. Today it pertains to the MMA. Prior to its establishment this was a responsibility of the police authorities.

<sup>34</sup> For a detailed description the full list of each Department’s responsibilities, see here:

<https://migration.gov.gr/en/gas/dioikisi/>

<sup>35</sup> Presidential Decree 106/2020 (Art. 31).

<sup>36</sup> Law 5078/2023 (Art. 191) ‘On reform of occupational insurance, streamlining of insurance legislation, pension arrangements, appointment and recruitment system of teachers of the Public Employment Service and other provisions’.

effective and sustainable return and reducing incentives for irregular migration<sup>37</sup>) is the General Directorate for the Coordination and Management of Programs on Migration and Internal Affairs<sup>38</sup> of the MMA, with a Special Service of the Directorate responsible for implementation and supervision<sup>39</sup>.

In what concerns return procedures, any decision made by competent authorities about a) the rejection of an application for international protection, b) the interruption discontinuation of examination of the application for international application, c) the revocation of international protection status, d) the rejection of an application for granting or renewal of a residence permit, and e) the revocation of a valid residence permit is accompanied by a return decision which is issued by the same authority and is defined as an integral part of the procedure. Particularly, competent authorities for the receipt and processing of applications of TCNs and for granting or renewing a residence permit are the services of the Ministry of Immigration and Asylum and the Foreigners and Immigration Services of the Decentralised Administrations under whose territorial jurisdiction the TCNs fall. Within the international protection procedure, the decision is issued either by the GAS at first instance or by the Appeals Authority at second instance (reporting to the Secretary General of Migration Policy). In all other cases of TCNs residing illegally in Greece the return decisions are issued by the police (Ministry of Citizen Protection), and particularly the competent police Director and, in case of the General police Directorates of Athens and Thessaloniki, the police Director in charge of aliens or a higher officer, appointed by the competent General police Director<sup>40</sup>. The police is also the responsible authority for cases of administrative expulsion which are imposed pursuant to Law 3386/2005.

The removal procedure is implemented by the police authorities<sup>41</sup>. Particularly, it is the Aliens and Border Protection Branch which deals with detention and return issues<sup>42</sup> consisting of: a) the Directorate for the Borders Protection, b) the Directorate of Illegal Immigration (which includes the Department for the Management of Detention and Return Facilities<sup>43</sup>, and c) the Directorate of Aliens. Furthermore, the Ministry of Citizen Protection, and more particularly the Department of Analysis and Documentation of the National Coordinating Centre for Border Control and Surveillance (NCCBS)<sup>44</sup> monitors the process of returning migrants, while the Department of International Relations of NCCBS monitors the initiatives of the competent authorities to conclude police cooperation agreements and readmission agreements with the competent authorities of other States and ensure their implementation. Frontex is also a key actor in the field of returns at an operational level providing support to EU MS at all stages of the return process, by organising, coordinating and conducting return

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<sup>37</sup> Asylum, Migration and Integration Fund (2021-2027).

[https://home-affairs.ec.europa.eu/funding/asylum-migration-and-integration-funds/asylum-migration-and-integration-fund-2021-2027\\_en](https://home-affairs.ec.europa.eu/funding/asylum-migration-and-integration-funds/asylum-migration-and-integration-fund-2021-2027_en)

<sup>38</sup> <https://migration.gov.gr/dg-coordination-management-amif-isf-otherfunds/>

<sup>39</sup> <https://migration.gov.gr/ma/managing-authority/>

<sup>40</sup> Law 3386/2005 (Art. 76)

<sup>41</sup> Law 3907/2011 (Art. 23)

<sup>42</sup> Presidential Decree 178/2014 'Organisation of Greek police Services' (Art. 2). <https://www.e-nomothesia.gr/kat-astynomikos-astynomia/idrysi-leitourgia-uperesion/pd-178-2014.html>

<sup>43</sup> For the full list of responsibilities of the Department for the Management of Detention and Return Facilities, see the Presidential Decree 178/2014 (Art. 11).

<sup>44</sup> <https://www.minocp.gov.gr/ethniko-syntonistiko-kentro-elegchou-kai-epitirisi-synoron-eskees/diarthrosi-eskees/>

operations with an enhanced role as determined in the EU Regulation 2019/1896 on the European Border and Coast Guard. Recently (March 2023) the Ministries of Citizen Protection and Immigration and Asylum signed a Memorandum of Understanding<sup>45</sup> with Frontex to support and provide expertise to enhance forced and voluntary returns of irregular migrants as well as reintegration and resettlement actions in their countries of transit and/or origin.

TCNs who are subject to return are detained for the preparation of the removal process in 'Special Facilities', also known as Pre-Departure Detention Centers (PROKEKA). The Special Facilities are established and abolished by a joint decision of the Ministry of Citizen Protection, the Ministry of Immigration and Asylum and the Ministry of Finance and fall under the competence of the Ministry of Citizen Protection and the police. In the facilities, health care and medical treatment services are provided. Non-Governmental Organisations (NGOs) or other national and international actors have the right to visit the Special Facilities<sup>46</sup>. Objections against the detention (procedure for challenging detention) are lodged before the President of the first instance Administrative Court in the region of the place of detention<sup>47</sup>.

As regards the assisted voluntary return, the Greek authorities – and particularly the Directorate of Returns and Withdrawals of the MMA – cooperate with the IOM in Greece. IOM has been implementing the Assisted Voluntary Return and Reintegration (AVRR) program since 2010 nationwide, while the Ministry is the donor of the program using AMIF resources. IOM also runs an Open Centre for migrants registered for AVRR (OCAVRR) that provides shelter and other services to returnees.

The return procedure may also involve the engagement of other actors, including civil society actors that mediate to inform the TCN about the return decision<sup>48</sup>; the Ministry of Interior and Decentralisation and E-Government or the territorially competent Aliens and Immigration Service that shall inform the competent police authorities to initiate the return process by removal, within three days from the end of the deadline for voluntary departure<sup>49</sup>; and the significant number of actors that may provide confirmation of the voluntary departure<sup>50</sup>. The role of the Greek Ombudsman is also important, as they hold the formal responsibility of monitoring removal procedures<sup>51</sup> (aiming at the transparency of administrative action and the protection of the fundamental rights of returnees<sup>52</sup>). The Ombudsman also cooperates with the Fundamental Rights Officer of Frontex who notifies the former of allegations of rights violations in Frontex operations by acts of the MS institutions involved<sup>53</sup>.

It should be also mentioned that other actors, not officially defined in the legal framework, have also established mechanisms of returns' monitoring. More particularly, in 2021, the

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<sup>45</sup> Ministry of Migration and Asylum (2023). The Ministries of Citizen Protection and Immigration and Asylum sign an agreement with Frontex on the return of irregular migrants. Press Release. <https://migration.gov.gr/en/ypografi-symfonias-ton-ypoyrgeion-prostasias-toy-politi-kai-metanasteysis-kai-asyloy-me-ton-frontex-gia-tis-epistrofes-paratypon-metanaston/>

<sup>46</sup> Law 3907/2011 (Art. 31).

<sup>47</sup> Law 3386/2005 (Art. 76).

<sup>48</sup> Law 3907/2011 (Art. 31).

<sup>49</sup> Law 3907/2011 (Art. 36).

<sup>50</sup> Law 3907/2011 (Art. 36).

<sup>51</sup> Law 3907 (Art. 23 para 6).

<sup>52</sup> Greek Ombudsman (2023) *Returns of third-country nationals*. Special report 2022. Available at: [https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/special-report-or-return-of-third-country-nationals-2022]. Accessed: 18/11/2023.

<sup>53</sup> Ibid.

National Commission for Human Rights (NCHR), an independent advisory body of the State in matters of promotion and protection of human rights, launched the Recording Mechanism of Informal Forced Returns to monitor, record and report informal forced return incidents of TCN from Greece to other countries<sup>54</sup>. The Mechanism is a synergy between the NCHR and 11 civil society organisations active in the field, offering pro bono services to TCNs, while the UNHCR office in Greece contributes its expertise and technical support, as a co-operating Agency. The need behind the creation of this body was the absence of an official and effective system for recording the reported incidents of informal forced returns, the need to connect the bodies, which until then recorded on their own initiative the incidents of illegal push backs that allegedly took place at the expense of persons who come to their services<sup>55</sup>, as well as the fact that pushbacks 'have become de facto general policy' as the UN Special Rapporteur on the Human Rights of Migrants has noted<sup>56</sup>.

A list of the authorities involved in the migration return governance defined and authorised by the Law, as described above, is provided in **Annex II**.

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<sup>54</sup> <https://nchr.gr/en/recording-mechanism.html>. Accessed: 18/1/2024

<sup>55</sup> Ibid.

<sup>56</sup> United Nations, General Assembly (2022) *Human Rights Violations at International Borders: Trends, Prevention and Accountability: Report of the Special Rapporteur on the Human Rights of Migrants, Felipe González Morales*, A/HRC/50/31, 26 April 2022. Available at: [<https://daccess-ods.un.org/tmp/3621627.98643112.html>]. Accessed: 19/12/2023.

## 5. The National Legal Framework Regarding Return

The Return Directive (2008/115/EC) was transposed in the Greek legal order in 2011<sup>57</sup>. However, the relative legal framework is characterised by complexity and ambiguity, mainly due to the co-existence of the preceding procedure of the ‘administrative expulsion’ that still remains valid. The latter is regulated by Law 3386/2005 ‘on entry, residence and social integration of Third Country Nationals on the Greek territory’. In 2021, Law 4825/2021 ‘on reform of deportation and return procedures of TCN, etc.’ introduced amendments in return procedures. One of the basic objectives of this law was to clarify the scope of the two Greek laws (Law 3386/2005 and Law 3907/2011)<sup>58</sup>. Civil society actors strongly criticised the changes brought about by Law 4825/2021 arguing, inter alia, that the ambiguity in the relative legal framework still exists<sup>59</sup> and highlighting legal gaps stemming from changes brought about by the new law in terms of assessment of legal obstacles to return prior to issuing a return decision, resulting in breach of Article 3 ECHR and related standards<sup>60</sup>.

Furthermore, in 2014 the European Commission opened an infringement procedure<sup>61</sup> by sending a Letter of Formal Notice to Greece (INFR(2014)2231) stating that the latter has incorrectly transposed certain provisions of the Return Directive<sup>62</sup>. In addition, in 2022 the Commission has sent an additional Letter of Formal Notice to Greece for failing to comply with the EU rules on returns of the illegally staying TCNs<sup>63</sup>.

An overview of the legal framework on return policy in Greece is provided in **Annex III** while a diagram of the national return system is presented in **Annex IV**.

<sup>57</sup> Transposition by Law 3907/2011 ‘on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC etc.’ (Art. 16-41).

<sup>58</sup> Ministry of Immigration and Asylum (2021) *Draft Law: ‘Reform of procedures for deportations and returns etc., Analysis of consequences of regulation’*, p. 2. Available at: [\[http://www.opengov.gr/immigration/wp-content/uploads/downloads/2021/06/ansynryth.pdf\]](http://www.opengov.gr/immigration/wp-content/uploads/downloads/2021/06/ansynryth.pdf).

Accessed: 9/9/2023.

<sup>59</sup> RSA, GCR, HIAS, DRC (2021). *Observations on the Draft Law Reformation of procedures for deportations and returns of third-country nationals, issues of residence permits and procedures for granting international protection*. Available at: <https://shorturl.at/coqTY>. Accessed: 9/9/2023.

<sup>60</sup> Ibid. See also chapter “detention” and chapter “GAPs”

<sup>61</sup> European Commission (29.9.2022). *September Infringements package: key decisions*. Available at: [\[https://ec.europa.eu/commission/presscorner/detail/en/inf\\_22\\_5402\]](https://ec.europa.eu/commission/presscorner/detail/en/inf_22_5402). Accessed: 10/1/2023

<sup>62</sup> On 20/3/2014 the Greek Legal Council of State published the “Opinion 44/2014” according to which ruled in favour of prolonging of the detention of migrants indefinitely and until their deportation becomes feasible, if a decision to deport has already been taken but has not been possible to implement. See more at:

- 1) [\[https://www.gcr.gr/en/news/press-releases-announcements/item/352-ep-aoriston-kratisi-mia-eftheia-prosvoli-tou-ethnikoy-evropaikoy-kai-diethnoys-dikaioy\]](https://www.gcr.gr/en/news/press-releases-announcements/item/352-ep-aoriston-kratisi-mia-eftheia-prosvoli-tou-ethnikoy-evropaikoy-kai-diethnoys-dikaioy);
- 2) [\[https://www.europarl.europa.eu/doceo/document/O-7-2014-000055\\_EN.html\]](https://www.europarl.europa.eu/doceo/document/O-7-2014-000055_EN.html).

Accessed: 12/1/2024

<sup>63</sup> European Commission (2022) *September Infringements package: key decisions*. Available at: [\[https://ec.europa.eu/commission/presscorner/detail/en/inf\\_22\\_5402\]](https://ec.europa.eu/commission/presscorner/detail/en/inf_22_5402) (accessed: 24/1/2024)

## 5.1. Definitions and Concepts

### ***Administrative expulsion***

There is no specific definition in Greek legislation for this term. According to Mazos ‘Administrative expulsion’ is the act of an active administrative body, issued according to the special procedure provided for by law, which orders the removal of a TCN from the country<sup>64</sup>. According to Poularakis the administrative expulsion ‘is an individual administrative act that aims to remove unwanted TCNs from the national territory for reasons of public or social interest’<sup>65</sup>. As Stavroulaki argues, ‘administrative expulsion’ is ‘the forced departure of a TCN from Greek territory which is ordered by a relevant administrative act’<sup>66</sup>. The administrative expulsion can<sup>67</sup> be imposed by competent police authorities to a TCN under the following conditions (which apply disjunctively)<sup>68</sup>: i) the TCN ‘has been irrevocably sentenced to a freedom-depriving sentence of at least one year or s(he) has been irrevocably sentenced (regardless of the penalty) for crimes against the political system or treason, crimes related to drug trafficking, money laundering, international financial crimes, crimes with the use of high technology, currency-related crimes, crimes of resistance<sup>69</sup>, child abduction, crimes against sexual freedom and economic exploitation of sexual life, theft, fraud, misappropriation, extortion, usury, violation of the law on intermediaries, forgery, false statement, slander, smuggling, crimes related to weapons, antiquities, smuggling of “illegal migrants”<sup>70</sup> or facilitation of their transport or provision of accommodation for hiding them; ii) the TCN has infringed the provisions of the Immigration Code; iii) the TCN’s presence in the Greek territory is considered dangerous for the country’s public order or security<sup>71</sup>; iv) the presence of the TCN constitutes a risk to public health, because s(he) suffers from an infectious disease or belongs to groups vulnerable to infectious diseases, in particular due to the public health situation in his/her country of origin or the use of intravenous, illicit substances or prostitution, or resides under conditions that do not meet the elementary rules of hygiene according to health regulations’. Furthermore, it can be imposed to a TCN who has violated the provisions regulating the entry and the residence of TCNs in the Greek Territory.

<sup>64</sup> Mazos, E. (2011) *The administrative expulsions in the Jurisprudence of the Council of State*. Available at: [<https://shorturl.at/kmBC8>. Accessed: 12/1/2024]

<sup>65</sup> Poularakis, E. (2014) *The temporary judicial protection of the alien from the act of administrative deportation*, p. 27. Nomiki Vivliothiki Publications.

<sup>66</sup> Stavroulaki, E. (2016) *Immigration Law and Citizenship Law*, p.441. Nomiki Vivliothiki Publications.

<sup>67</sup> The exact wording of the law ‘administrative deportation of a foreigner is permitted’, seems to provide to the administrative authority the discretion to impose it. However, the Council of State ruled in a series of decisions that deportation is mandatory, given that a legal title is required for legal residence (Council of State Decision 3603/1991, 927/1996, 892/1998, 310, 311/2000, 618/2008)

<sup>68</sup> Law 3386/2005 (Art. 76 para 1).

<sup>69</sup> Crimes of resistance against Authorities as they are defined in the Greek Penal Code.

<sup>70</sup> Exact translation from the Greek law.

<sup>71</sup> Civil Society Actors insist that in Greece the characterisation of TCN as dangerous for the public order and security is broadly applied in police decisions ordering detention/expulsion without a proper justification (see for example the AIDA Country Report: Greece (2022) p. 206. Available at: [<https://asylumineurope.org/reports/country/greece>]. Accessed 18/1/2024



### **Return**

The ‘re-entry process of a TCN either by voluntary compliance with an obligation to return or compulsorily to: a) the country of his/her origin or b) to a transit country, according to EU or bilateral readmission agreements or other arrangements or c) to another third country, to which he/she voluntarily decides to return and to which he/she is accepted’<sup>72</sup>.

### **Judicial deportation**

There is no specific definition in Greek legislation for this term. Judicial deportation used to be imposed by the criminal judge as a security measure<sup>73</sup>. Even though, judicial deportation was abolished in 2019<sup>74</sup>, the draft amendment to the Criminal Codes submitted to public consultation in late 2023 includes reinstatement of the judicial deportation<sup>75</sup>.

### **Border deportation (επαναπροώθηση)**

Even though ‘Refoulement’ is the word that can best translate the Greek word ‘επαναπροώθηση’<sup>76</sup> (used in Law 3386/2005<sup>77</sup>), here the term ‘border deportation’ is used in order to avoid confusion of terms. There is no specific definition in Greek legislation for this term, but according to Roukounas ‘επαναπροώθηση’ is the measure taken by the police authorities at the borders and denotes ‘the expulsion in too great haste of the illegally entered TCN in the Greek territory to his/her country from which he/she came from and not necessarily to the state of his/her citizenship or residence’<sup>78</sup>.

### **Readmission**

There is no specific definition in Greek legislation for the term ‘readmission’. The term is listed separately from the terms ‘return’ and ‘deportation’, as for example in Law 4939/2022 ‘on ratification of the Code on reception, international protection of third-country nationals and stateless persons, and on temporary protection in cases of mass influx of displaced migrants’<sup>79</sup> and refers to cases for which ‘a return or readmission or deportation decision is already in force’. The term seems to be used in general with the meaning of an ‘act by a State accepting the re-entry of an individual (own national, national of another State – most commonly a person who had previously transited through the country or a permanent resident – or a stateless person)’<sup>80</sup>.

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<sup>72</sup> Law 3907/2011 (Art. 18c). The term is also defined in the same way in Law 4251/2014 & in Law 5038/2023

<sup>73</sup> Provided by Art. 74 of the Greek Criminal Code

<sup>74</sup> by Law 4619/2019

<sup>75</sup> Ministry of Justice (23.11.2023). Draft law “Interventions in the Criminal Code and the Code of Criminal Procedure etc.”. Available at: <http://www.opengov.gr/ministryofjustice/?p=17062>. Accessed: 10/01/2024

<sup>76</sup> The literal translation of the word in english is ‘re-forwarding’.

<sup>77</sup> Law 3386/2005 (Art. 82 para 3 & Art. 83 para 2)

<sup>78</sup>Roukounas, E. (1995). *International Protection of Human Rights*, p. 237. Estia Publications, in Simeonidis, E. *Administrative Expulsion* (2008) p. 240. Sakkoula Publications

<sup>79</sup> Law 4939/2022 (Art. 69 para 5)

<sup>80</sup> IOM (2019) *Glossary on Migration*. Available at:

[https://publications.iom.int/system/files/pdf/iml\\_34\\_glossary.pdf](https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf). Accessed: 9/9/2023.

### ***Readmission of beneficiaries of temporary protection***

There is no specific definition in Greek law for the term ‘readmission of beneficiaries of temporary protection’. The term was mentioned in the Presidential Decree 80/2006 ‘on the provision of temporary protection in the event of a mass influx of displaced TCNs’<sup>81</sup> and it is also mentioned in the Greek Asylum Code<sup>82</sup>.

### ***Voluntary repatriation & Enforced repatriation***

There are no specific definitions in Greek law for the terms ‘voluntary repatriation’ and ‘enforced repatriation’. Initially, the terms were mentioned in the Presidential Decree 80/2006<sup>83</sup> which transposed the EU Directive 2001/55/EC and today are mentioned in the Greek Asylum Code<sup>84</sup>. They correspond to the terms ‘voluntary return’<sup>85</sup> and ‘enforced return’<sup>86</sup> of the above-mentioned Directive.

### ***Removal***

In Greek law<sup>87</sup> ‘removal’ is defined as the ‘enforcement of the obligation to return by physical transportation out of the Greek territory’.

### ***Return decision***

In Greek law<sup>88</sup> ‘return decision’ is defined as the ‘administrative act, stating or declaring the stay of a TCN to be illegal and imposing an obligation to return’.

### ***Third Country National***

In Greek law<sup>89</sup> the term follows the EU definition<sup>90</sup>.

### ***Illegal Stay***

In Greek law<sup>91</sup> ‘illegal stay’ is defined as ‘presence in Greek territory of a TCN who does not fulfil, or no longer fulfils, the conditions of entry, as set in Art. 5 of the Schengen Borders Code, or the other conditions of entry, stay or residence of the legislation’.

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<sup>81</sup> Presidential Decree 80/2006 (Art. 11). The PD 80/2006 transposed the EU Directive 2001/55/EC ‘on minimum standards for giving temporary protection in the event of a mass influx of displaced persons’ into Greek legal order’. It was abolished by Law 4939/2022.

<sup>82</sup> Law 4939/2022 (Art. 127) according to which a person who enjoys temporary protection status in Greece and illegally attempts to enter or remain in the territory of another EU MS is re-admitted to Greek territory. In the event that a beneficiary of temporary protection in another EU member state is found to be or is attempting to enter the Greek territory illegally s(he) is obliged to return to the other EU MS.

<sup>83</sup> Presidential Decree 80/2006 (Art. 21). The Presidential Decree was abolished by Law 4939/2022.

<sup>84</sup> Law 4939/2022 (Art. 137)

<sup>85</sup> Directive 2001/55/EC (Art. 21)

<sup>86</sup> Directive 2001/55/EC (Art. 22)

<sup>87</sup> Law 3907/2011 (Art. 18e).

<sup>88</sup> Law 3907/2011 (Art. 18d).

<sup>89</sup> Law 3907/2011 (Art. 18a).

<sup>90</sup> It is defined as ‘any person who is not a citizen of the EU within the meaning of Art. 17 (para 1) of the Treaty and who is not enjoying the Community right of free movement, as defined in Article 2 (para 5) of the Schengen Borders Code’.

<sup>91</sup> Law 3907/2011 (Art. 18β)

**Entry ban**

In Greek law<sup>92</sup> ‘entry ban’ is defined as ‘administrative act, which accompanies the return decision and which prohibits, for a certain period of time, the entry and stay in the Greek territory or in the territory of another EU member state’.

**Risk of absconding**

In Greek law<sup>93</sup> ‘risk of absconding’ is defined as ‘the well-founded assumption, which is based on a confluence of objective criteria, that in a specific individual case the TCN, who is subject to return procedure, may escape’. Even though according to the Return Directive the risk of absconding’ means ‘the existence of reasons in an individual case which are based on objective criteria defined by law<sup>94</sup>, the Greek law includes a non-exhaustive and indicative list of such criteria<sup>95</sup>.

**Voluntary departure**

In Greek law<sup>96</sup>, ‘voluntary departure’ is defined as ‘the compliance with the obligation to return within the time-limit set for this purpose in the return decision’.

**Assisted voluntary return**

There is no specific definition in Greek legislation for the term ‘Assisted Voluntary return’. It is used to describe the assisted, unforced return of a TCN to the country of origin within the Assisted Voluntary Return and Reintegration program (AVRR) implemented by IOM in Greece. Greek Asylum Code repeatedly mentions the administration's obligation to provide information on the option of voluntary return<sup>97</sup>.

**Vulnerable persons**

According to the law<sup>98</sup> that transposed the Return Directive into Greek legislation, the term ‘vulnerable persons’ includes ‘minors, unaccompanied minors, persons with special needs, the elderly, pregnant women, women having recently given birth, single-parent with minor children, victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, as well as victims of human trafficking’.

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<sup>92</sup> Law 3907/2011 (Art. 18στ)

<sup>93</sup> Law 3907/2011 (Art. 18ζ)

<sup>94</sup> Return Directive 2008/115/EC (Art. 3 para 7)

<sup>95</sup> Such objective criteria are indicatively: a) non-compliance with the obligation of voluntary departure; b) the explicit manifestation of the intention to non-compliance with the return decision; c) the possession of forged documents; d) the provision of false information to the authorities; e) the existence of convictions for criminal offences, pending criminal proceedings or serious indications that a criminal offence has been committed or is about to be committed by the specific person; f) the lack of travel or other identity documents; g) the previous escape; and h) the noncompliance with an existing entry ban

<sup>96</sup> Law 3907/2011 (Art. 18η)

<sup>97</sup> For example: Law 4939/2022 (Art. 39)

<sup>98</sup> Law 3907/2011 (Art. 18θ)

## 5.2. Return at Border

Return procedures are not applicable in border cases<sup>99</sup>. In these cases, after the illegal crossing of the borders, the Law 3386/2005 is applicable<sup>100</sup> as well as the readmission terms and provisions, as they bind Greece directly or indirectly, through its participation in the EU, or as they arise from international customary law<sup>101</sup>. For the TCNs who are not subject to return procedures, authorities must ensure that they have the same treatment as TCNs subject to return procedures in terms of restrictions on the use of coercive measures, postponement of removal for reasons related to their physical or mental condition, emergency health care, therapeutic treatment, consideration of needs of vulnerable persons and conditions of detention. Furthermore, the principle of non-refoulement must also be applicable to their case<sup>102</sup>. However, in practice, the application of Law 3386/2005, comparatively, provides less procedural guarantees than the application of Law 3907/2011.

Border deportation is imposed in two situations: The first case<sup>103</sup> refers to TCNs who are included in the List<sup>104</sup> of unwanted TCNs<sup>105</sup>. TCNs of this category are subject to entry ban, therefore are not permitted to enter Greece and they are obliged to depart immediately, otherwise they must be returned back to the country of origin or to a third country, where entry may be allowed. The TCN can request to be removed from the List of Unwanted TCNs. The method and the preconditions of deletion vary depending on the reason for which the TCN was registered. The TCN theoretically can submit an appeal against the entry ban. However, in reality the TCNs are much more likely to resort to the international protection process to avoid deportation.

The second case<sup>106</sup> where border deportation is imposed is of criminal nature: In the event that a TCN enters Greece or departs without the necessary legal formalities, the Public Prosecutor of the Magistrate Court, with the approval of the public Prosecutor of the Court of Appeal, under prerequisites, may refrain from initiating criminal proceedings for illegal entry/exit.

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<sup>99</sup> According to Law 4825/2021 (Art. 1) & Law 3907/2011 (Art. 17) the return procedures do not apply to TCNs who are subject to entry bans (according to Art. 14 of the Schengen Borders Code) or are arrested or monitored by authorities, in connection with illegal/land/sea/air crossing of the external borders (within the meaning of the Art. 2, par. 2 of the Schengen Borders Code) to whom a permit/right to stay in Greece has not been subsequently granted. In addition, return procedures do not apply to TCN are subject to deportation imposed by court order, as a security measure or as an incidental penalty or subject to extradition procedures in accordance with the provisions of an international convention that binds the Country or of articles 436-456 of the Code of Criminal Procedure or Law 3251/2004 'on European Arrest Warrant etc.'

<sup>100</sup> Law 4825/2021 (Art. 1)

<sup>101</sup> Law 3907/2011 (Art. 34)

<sup>102</sup> Law 3907/2011 (Art. 19 para. 2)

<sup>103</sup> Law 3386/2005 (Art 82 para. 3)

<sup>104</sup> The criteria and the procedure for entering and removing TCNs from the List are determined by decision of specific ministries.

<sup>105</sup> The List is maintained by the Ministry of Citizen Protection

<sup>106</sup> Law 3386/2005 (Art 83 para 2)

### 5.3. Regular Procedure to Issue a Return Decision

A return decision is issued by the competent authorities in cases of<sup>107</sup>: a) rejection of an application for international protection; b) discontinuation of examination of the application for international protection (due to implicit withdrawal); c) withdrawal of international protection status; d) rejection of an application for granting or renewal of a residence permit; e) revocation of a valid residence permit. In these cases, the return decision is an integral part of the basic decision (which rejects the application for international protection; or interrupts the examination of the application for international protection; or revokes the international protection status; or rejects the application for granting or renewal of residence permit; or revokes a valid residence permit). In all the other cases of TCN, who reside illegally in Greek territory, a return decision is issued by the competent police authorities<sup>108</sup>. In the event that there is already another return or expulsion decision in force, it is considered that the previous return or expulsion decision is incorporated into the new decision that orders the return<sup>109</sup>.

TCNs staying illegally in the Greek territory and holding a valid residence permit or any other permit granting them a right to stay, issued by another MS, are obliged to immediately move to that EU MS. In the event of non-compliance or when the immediate departure of the TCN is imposed for reasons of national security or public order, a return decision is issued by the competent police authorities<sup>110</sup>.

Against a TCN who has filed a timely application for granting or renewing a residence permit with all the required supporting documents and has received a relevant Certificate of submitting the application, it is not possible to issue a return decision for reasons of illegal residence, until his/her application is finally examined. Likewise, it is not possible to issue a return decision to a TCN for whom a temporary order or decision of an Administrative Court of First Instance has been issued to suspend the execution of an administrative act which has rejected the application for issuance or renewal of residence permit or revoked a residence permit<sup>111</sup>.

When a residence permit is issued for humanitarian or other reasons to a TCN who resides illegally in Greece<sup>112</sup> no return decision is issued and, in the event, that it has already been issued, then it is revoked or suspended for a period of time equal to the validity period of the permit<sup>113</sup>.

### 5.4. Special Cases and their Relation with the Obligation to Issue a Return Decision

#### *Intra-corporate transferees*

TCNs who hold a valid intra-corporate transferee permit issued by another MS may reside and work in Greece (transposition of Directive 2014/66/EU). When the intra-company transfer permit holder crosses the external borders of Greece, the competent authorities consult the

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<sup>107</sup> Law 3907/2011 (Art. 21 para 1)

<sup>108</sup> Law 3907/2011 (Art. 21 para 1)

<sup>109</sup> Law 3907/2011 (Art. 21 para 1)

<sup>110</sup> Law 3907/2011 (Art. 21 para 2)

<sup>111</sup> Law 3907/2011 (Art. 21 para 5)

<sup>112</sup> Law 5038/2023 (Art. 134)

<sup>113</sup> Law 3907/2011 (Art. 21 para 4)

Schengen Information System and refuse entry or object to the mobility of persons, who have been registered as undesirable in the Schengen Information System<sup>114</sup>. In the event that a TCN inter-company transferee, who has moved from Greece to another MS of transfer, stops working in that MS, it is permitted, at the request of the other MS, to return to Greece (as well as his/her family members) without formalities and without delay of the TCN.

### ***Return of long-term residents***

The return of a TCN with long-term resident status (transposition of Directive 2003/109/EC) is permitted when there is a present and specifically justified threat to public order or public security<sup>115</sup>. The return decision cannot be based on invoking reasons of more general fiscal policy<sup>116</sup>. When examining the reasons justifying the return, the following facts are taken into account: a. The duration of his/her presence in the country; b. the effects on him/her and his/her family members; c. the ties with the country of residence or the absence of ties with his/her country of origin, d. the age of the person concerned<sup>117</sup>. Additionally, the principle of non-refoulement must be respected<sup>118</sup>.

### ***Holders of long-term residence permit issued by another MS***

Until the TCN who holds a long-term residence permit issued by another MS acquires long-term resident status in Greece, his/her residence permit is not renewed or revoked. The TCN and his/her family members are obliged to leave Greece in the following cases: a. For reasons of public order or public security; b. The TCN no longer holds a long-term residence permit issued by another MS; c. the TCN does not legally reside in the country<sup>119</sup>. In these events the TCN must immediately return to the first MS that granted him/her long-term resident status.

If the return concerns a beneficiary of international protection with long-term resident status in another MS, the latter is requested to confirm whether the person in question is still entitled to international protection. If a MS submits a relevant request for information, the GAS must respond within 1 month of receipt of the request<sup>120</sup>. In the event that the long-term resident is still entitled to international protection in the other MS, s(he) is returned to that state. By way of exception, the long-term resident may be returned to a country other than the MS that granted him/her international protection, as long as a) it is reasonably considered that s(he) constitutes a risk to the security of the State; or b) constitutes a risk to society due to his/her final conviction for the commission of a particularly serious crime<sup>121</sup>.

The TCN can lodge an application for annulment before the Administrative Court against the decision that rejects the application for the granting of a long-term resident residence permit, or revokes the permit, or rejects the application for renewal, or the decision to return<sup>122</sup>.

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<sup>114</sup> Law 5038/2023 (Art. 55 para 17)

<sup>115</sup> Law 5038/2023 (Art. 150 para 1)

<sup>116</sup> Law 5038/2023 (Art. 150 para 2)

<sup>117</sup> Law 5038/2023 (Art. 150 para 3)

<sup>118</sup> Law 5038/2023 (Art. 150 para 7)

<sup>119</sup> Law 5038/2023 (Art. 157 para 2)

<sup>120</sup> Law 5038/2023 (Art. 150 para 4)

<sup>121</sup> Law 5038/2023 (Art. 150 para 5)

<sup>122</sup> Law 5038/2023 (Art. 151 para 3)

Greece has transposed Directive 2001/20/EC on the mutual recognition of decisions on removal of TCN (by Law 214/2004). The provisions of Law 214/2004 are applied in the following cases<sup>123</sup>: a) when a removal decision has been issued against a TCN due to a serious and present threat to public order or national security, and this decision has been taken: (aa) due to the conviction of the TCN by the MS of the decision for an offence punishable by a penalty involving deprivation of liberty of at least 1 year; (bb) when there are clear indications that the TCN has committed or intends to commit serious criminal acts on the territory of a MS. After the issuance of a removal decision, which meets the above conditions, any residence permit of the TCN is also revoked<sup>124</sup>. b) When a removal decision has been issued against a TCN due to a violation of the provisions on the entry and stay of TCNs of the country of the decision.

The removal decision must not have been revoked or suspended by the MS of the decision<sup>125</sup>. Against the administrative act of execution of the decision of removal, the TCN under removal is entitled to submit Objections and an appeal<sup>126</sup>.

### ***Dublin Transfers (Application of Regulation (EU) 604/2013)***

When another MS has assumed the responsibility of examining an application, the latter is rejected as inadmissible and at the same time a transfer decision is issued<sup>127</sup>. An appeal can be lodged within 15 days which is considered that it is also directed against the relevant transfer decision<sup>128</sup>. The appeal does not have automatic suspensive effect. A specific request must be lodged to that end. Deportation, readmission or return cannot be carried out before a decision is issued on his/her application<sup>129</sup>.

## **5.5. Voluntary Departure**

The return decision may provide for a period of time for voluntary departure, which varies between 7 and 25 days<sup>130</sup>. This period of time in which the TCN can depart voluntarily is automatically granted, without requiring the submission of an application. In the event that the competent authority considers that there is a risk of absconding or the TCN is a risk to public safety, or if the application for legal stay has been rejected as manifestly unfounded or abusive, the competent authorities do not grant a period of voluntary departure<sup>131</sup>. The competent authority can impose several obligations to the TCN throughout the set period for the voluntary departure, in order to avoid the risk of absconding<sup>132</sup>. In the event that the TCN violates these obligations the return decision is executed immediately and the granting of a

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<sup>123</sup> Presidential Decree 214/2004 (Art. 3 para 1)

<sup>124</sup> Ibid.

<sup>125</sup> Presidential Decree 214/2004 (Art. 3 para 2)

<sup>126</sup> Presidential Decree 214/2004 (Art. 4)

<sup>127</sup> Law 4939/2022 (Art. 89)

<sup>128</sup> Law 4939/2022 (Art. 97)

<sup>129</sup> Law 4939/2022 (Art. 110 para 2)

<sup>130</sup> Law. 3907/2011 (Art. 22 para 1)

<sup>131</sup> Law 3907/2011 (Art. 22 para 4)

<sup>132</sup> For example, regular appearance before the authorities; a financial guarantee; deposition of documents; obligation to stay in a certain place.

period of voluntary departure or the extension of this period is deemed automatically revoked<sup>133</sup>.

According to the Directions of the MMA, in the case of the international protection procedure, the body that rejects the application for international protection examines the possibility of granting a period of voluntary departure. If there is a previous deportation decision, it does not grant a deadline for voluntary departure<sup>134</sup>. Authorities may extend the deadline for voluntary departure with a reasoned decision, for a period of time which cannot exceed 120 days<sup>135</sup> after a relevant application of the TCN.

## 5.6. Forced Return/ Removal/ Exit

Police authorities are competent to execute return decisions and take all the necessary measures for the execution if<sup>136</sup> a) no period for voluntary departure has been granted; b) a period for voluntary departure has been granted but the TCN has not complied with the obligation to return within the set deadline. In these cases, no independent removal decision is issued<sup>137</sup>. In the event that a period of voluntary departure has been granted, police execute the return decision only after the expiry of the deadline, unless in the meantime it appears that there is a risk of absconding or the TCN is considered a danger to the public security or public order<sup>138</sup>. In this case, the return decision becomes immediately enforceable and the police issue a declaratory act to the TCN<sup>139</sup>.

In the event that the TCN who is subject to return procedures/expulsion procedures lacks a travel document<sup>140</sup> all necessary actions are taken before the diplomatic/consular authority of the country of origin (or permanent residence or citizenship) of the TCN to issue a travel document. In case that the above-mentioned authorities refuse the provision of a travel document (or there is no diplomatic or consular authority of the specific state in Greece), the Greek Ministry of Foreign Affairs is informed. When the timely issuance of a travel document is not possible, the TCN is provided with a special type of travel document<sup>141</sup>.

### **Postponement of removal**

The removal is compulsorily postponed<sup>142</sup> in cases where i) the principle of non-refoulement is violated; ii) removal has been suspended. The police may, upon a justified decision, postpone the return, for an appropriate period of time, taking into account the specific circumstances of the individual case, such as TCN's physical state or mental capacity and b) technical reasons, such as the lack of means of transport or the lack of possibility of removal, due to the objective impossibility to identify the TCN<sup>143</sup>. If the removal is postponed,

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<sup>133</sup> Law 3907/2011 (Art. 37 para 1)

<sup>134</sup> Ministry of Migration and Asylum (2021) *Instructions for the implementation of Law 4825/2021*, p. 4. Available at: [<https://www.nomotelia.gr/photos/File/395448-21.pdf>]. Accessed: 15/9/2023.

<sup>135</sup> Law 3907/2011 (Art. 22 para 2)

<sup>136</sup> Law 3907/2011 (Art. 23 para 1)

<sup>137</sup> Law 3907/2011 (Art. 23 para 3)

<sup>138</sup> Law 3907/2011 (Art. 23 para 2)

<sup>139</sup> Law 3907/2011 (Art. 23 para 3 & Art. 37 para 1)

<sup>140</sup> JMD no. 4000/4/46-α' (Art. 4 para 1)

<sup>141</sup> Procedure regulated by PD 124/1997

<sup>142</sup> Law 3907/2011 (Art. 24 para. 1)

<sup>143</sup> Law 3907/2011 (Art. 24 para. 2)



obligations may impose on the TCN (such as regularly appearing before authorities, depositing an appropriate financial guarantee, filing documents or having to stay in a certain place)<sup>144</sup>. The decision that postpones removal consists of a written certification that the return decision cannot be temporarily executed (Certificate of Postponement of Removal). The latter is valid for 6 months and may be renewed upon a new judgement on whether the removal remains impossible.

Within the international protection procedure, in case of submission of a subsequent application until the completion of its examination during the preliminary stage, the execution of any measure of deportation, return or removal in any way is suspended<sup>145</sup>. By way of exception, this does not apply in case i) of a first subsequent application, which is rejected as inadmissible; ii) in case of a second subsequent application, after the issuance of a final decision, by which the first subsequent application is deemed inadmissible, or after the issuance of a final decision with which the application is rejected as unfounded. The above-mentioned provision applies only when the determining authority considers that the return decision will not lead to direct or indirect refoulement, in violation of the international and European obligations of the state<sup>146</sup>.

## 5.7. Return of Unaccompanied Minors (UAMS)

Regarding return procedures the best interest of the child must be always taken into consideration<sup>147</sup>. Before deciding to issue a return decision to an UAM, assistance must be provided by appropriate bodies<sup>148</sup> (other than the authorities enforcing return)<sup>149</sup> and the competent authorities should ascertain<sup>150</sup> that s(he) will be returned to a member of his/her family, a nominated guardian or adequate reception facilities in the State of return<sup>151</sup>.

The return of a minor who attends a Greek school of any level of education or whose parents or guardians legally reside in Greece is prohibited<sup>152</sup>. It is also prohibited to return a minor on whom reformatory measures have been imposed by a decision of the Juvenile Court.<sup>153</sup> Contrary to what applies to adults, in the event that the application for international protection of the UAM is rejected, the PAAYPA<sup>154</sup> remains active until the return decision is executed or the UAM becomes adult.

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<sup>144</sup> Law 3907/2011 (Art. 24 para. 3)

<sup>145</sup> Law 4939/2022 (Art. 94 para 9)

<sup>146</sup> Law 4939/2022 (Art. 94 para 9)

<sup>147</sup> Law 3907/2011 (Art 20 & Art. 25 para 1)

<sup>148</sup> The competent authority for all the issues concerning the reception and integration of UAMs is the Special Secretariat for the Protection of Unaccompanied Minors (SPUUAM) which operates in the Ministry of Migration and Asylum, under the auspices of the Deputy Minister for Integration. The Secretariat was established with the Presidential Decree 18/2020.

<sup>149</sup> Law 3907/2011 (Art 25 para. 1)

<sup>150</sup> Law 3907/2011 (Art 25 para. 2)

<sup>151</sup> The National Strategy for UAMs makes several references on the issue of return of UAMs. Available at: [<https://shorturl.at/eqrFM>]. Accessed: 9/9/2023;

The Guardianship System is regulated by Law 4960/2022 'on the National Guardianship System and Framework of Accommodation of UAMs' entered into force in 2022 replacing former Law 4554/2018 on guardianship (which was never implemented in practice).

<sup>152</sup> Law 3907/2011 (Art. 41 para 1α)

<sup>153</sup> Law 3907/2011 (Art. 41 para 1ε)

<sup>154</sup> Temporary social security number for asylum seekers which allows them to access services like

## 5.8. Entry Bans

A ban on entry into Greek territory is imposed by Greek control authorities on TCNs who do not meet the conditions of entry, as defined in the Schengen Border Code<sup>155</sup>. In this event, the TCN is issued with a reasoned decision<sup>156</sup> which states the specific reasons for refusal of entry<sup>157</sup>.

A TCN who has entered Greece from the transit zone and is not allowed to enter the country of destination, is not accepted for re-entry if s(he) does not meet the present conditions again, since upon his/her return s(he) entered a third, intermediate, country<sup>158</sup>.

Entry to Greece is not prohibited for a person who proves to have Greek citizenship or the citizenship of an EU MS, even if s(he) still lacks a passport or other travel document<sup>159</sup>.

In the event that upon the entry into Greece of a TCN who is the holder of a residence permit, the Greek control authorities find that there are reasons justifying the revocation of the residence permit or the rejection of a relative pending request, they must immediately notify the competent authority in order to initiate the relevant procedure. In these cases, the entry of the TCN is prohibited until the issuance of a decision, without the authorities withholding the residence permit or the certificate of submission of a request with complete supporting documents<sup>160</sup>.

### ***Entry ban within return decision***

Return decisions must be accompanied by an entry ban if i) no period for voluntary departure has been granted; ii) the TCN has not complied with the obligation to return. In addition, an entry ban may be imposed in the event that the presence of the TCN poses a risk to public order and security, national security or public health<sup>161</sup>. In the event that the voluntary departure takes place after the end of the deadline for reasons of force majeure, it is considered that the TCN has fully complied with the return decision<sup>162</sup>. The entry ban is imposed irrespective of to his/her right to international protection<sup>163</sup>.

The length of the entry ban must be determined with due regard to all relevant circumstances of the individual case and shall not in principle exceed 5 years starting from the day of removal. However, it may exceed 5 years if the TCN represents a serious threat to public policy, public security or national security. Each case must be reviewed ex officio every 3 years<sup>164</sup>.

The entry ban is enforced by registration in the List of Undesirable TCNs maintained by the Ministry of Citizen Protection<sup>165</sup>.

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public health care and work.

<sup>155</sup> Law 5038/2023 (Art. 6 para 1)

<sup>156</sup> The decision has a standardized form, in accordance with Schengen Borders Code.

<sup>157</sup> Law 5038/2023 (Art. 6 para 2)

<sup>158</sup> Law 5038/2023 (Art. 6 para 4)

<sup>159</sup> Law 5038/2023 (Art. 6 para 5)

<sup>160</sup> Law 5038/2023 (Art. 6 para 6)

<sup>161</sup> Law 3907/2011 (Art. 26 para 1)

<sup>162</sup> Law 3907/2011 (Art. 38 para 2)

<sup>163</sup> Law 3907/2011 (Art. 26 para 5)

<sup>164</sup> Law 3907/2011 (Art. 26 para 2)

<sup>165</sup> Law 3907/2011 (Art. 38 para 1) & Law 3386/2005 (Art. 82).

Entry-ban decisions are issued in writing and give reasons in fact and in law as well as information about available legal remedies<sup>166</sup>. Against the relative decision, an application for cancellation and application for suspension can be lodged before the Administrative Court.

## 5.9. Procedural Safeguards

Apart from general rules of administrative law, the Law 3907/2011 stipulates that in return procedures the competent authorities shall take due account of the best interests of the child; family life; the state of health of the specific TCN; and must respect the principle of non-refoulement<sup>167</sup>. The return is prohibited<sup>168</sup> when the TCN is i) a minor who attends a Greek school of any level of education or his/her parents or guardians legally reside in Greece; ii) a parent of a minor with custody or maintenance obligation, which s(he) fulfils; iii) a person who is over 80 years of age; iv) a person who has been granted international protection status or is an applicant of such status and his/her application has not been finally determined (subject to Articles 32 and 33 of the 1951 Geneva Convention); v) a minor on whom reformatory measures have been imposed by a decision of the Juvenile Court; vi) an *omogenis*<sup>169</sup> vii) a victim or an essential witness of specific crimes, and comes to file a complaint or report the incident to the police; viii) a pregnant woman during pregnancy and for 6 months after delivery; iv) a victim of domestic violence who comes to file a complaint or report the incident to the police.

Return is not prohibited in above-mentioned cases no. (ii), (iii), (vi) and (viii) in the event that the TCN is considered dangerous to public order or national security or public health<sup>170</sup>. The above-mentioned protection applies also to TCNs subject to expulsion pursuant to Law 3386/2005<sup>171</sup>. Furthermore, police may, upon a justifiable decision, postpone the removal of a TCN taking into account the specific circumstances of each case (physical state, mental capacity etc.)<sup>172</sup>.

In Greece, there is no humanitarian status as a special status of protection. The competent authorities (The Minister of Migration and Asylum and the Secretary of Decentralised Administration) may at any time grant an independent residence permit 'for compassionate, humanitarian or other reasons', to a TCN, who resides illegally in the country, in accordance with the relative provisions of the Immigration Code<sup>173</sup>. In the case of the issuance of the above residence permit, no return decision is issued and if the return decision has already been issued, then it is revoked or suspended for a period of time equal to the validity period of the above licence<sup>174</sup>. More specifically, according to the Immigration Code, a residence permit for humanitarian reasons could be issued to a TCN upon his/her application in the event that the

<sup>166</sup> Law 3907/2011 (Art. 27 para 1)

<sup>167</sup> Law 3907/2011 (Art. 20 & 24 para 1); Law 4939 (Art. 20 para 1, Art. 73 para 2b, Art. 90, Art. 91(1b), Art. 92 para 4c, Art. 94 para 9, Art. 110 para. 4); Law 5038/2023 (Art. 150 para 7)

<sup>168</sup> Law 3907/2011 (Art. 41 para 1)

<sup>169</sup> 'Omogenis' is the person who has the citizenship of another country but is of Greek descent and associated with strong ties with Greece.

<sup>170</sup> Law 3907/2011 (Art. 41 para 3)

<sup>171</sup> Law 3907/2011 (Art. 41 para 4)

<sup>172</sup> Law 3907/2011 (Art. 24 para 2)

<sup>173</sup> Law 3907/2011 (Art. 21 para 4)

<sup>174</sup> Ibid.

s(he) falls into specific categories<sup>175</sup>. Additionally, the new Immigration Code<sup>176</sup> provides that a 10-year residence permit is issued to adult TCNs who entered Greece as UAMs and have successfully completed at least 3 grades of secondary education in Greece before reaching the age of twenty-three. Another category of TCNs who can be issued with a residence permit on the basis of humanitarian reasons is those who can prove seven years of continuous residence in Greece<sup>177</sup>.

### ***The necessary form of return decisions***

Return decisions and entry ban decisions must be in written form and include sufficient justification<sup>178</sup>. They are communicated to the TCN as well as information on available remedies.

The authorities ensure, upon request, the written or oral translation of the main points of the decisions, including information about the available remedies, “in a language that the TCN understands or is considered reasonable that understands”<sup>179</sup>. This is not applicable for TCNs who have illegally entered and have not subsequently been granted “permission or the right to remain in Greece”. In this case, the decisions are issued by means of a standardised form<sup>180</sup>. Return decisions issued by the police and the Foreigners and Immigration Services of the Decentralised Administrations are written in Greek and contain no translation.

### ***Remedies against decisions ordering return***

Against return decisions issued by the police, TCN can file an appeal within 5 days of (of the day of issuance)<sup>181</sup>. The appeal is submitted to the police department responsible for the administrative measures. The lodging of the appeal suspends the execution of the return/expulsion decision. In case that along with the return/expulsion, detention was ordered, the suspension concerns only the return/expulsion<sup>182</sup>. In case that the appeal against the return/expulsion decision is rejected the TCN has the right to appeal before the Administrative Court<sup>183</sup>.

Furthermore, TCNs have the right to appeal against return decisions that are incorporated in decisions to reject the applications for granting or renewing a residence permit, as well as in decisions to revoke a valid residence permit, within an exclusive period of 2 months from the issuance of the decision<sup>184</sup>. Legal assistance and representation are provided free of charge

<sup>175</sup> Law 5038/2023 (Art. 134). These categories include, inter alia, victims and material witnesses of criminal acts, victims of domestic violence, victims of crimes with racist characteristics, victims of work accidents, those attending a legally approved treatment program for mental dependence, TCNs who ‘at the risk of their lives, they performed acts of social virtue, giving and solidarity that promote the values of humanity’, TCNs who are suffering from serious health problems. However, for the last category the TCN, in order to apply for humanitarian status, must have already had a residence permit, therefore irregular TCNs are not eligible; Law 5038/2023 (Art. 134 para 1).

<sup>176</sup> Law 5038/2023 (Art. 161 para 1c)

<sup>177</sup> Law 5038/2023 (Art. 134 para 5)

<sup>178</sup> Law 3907/2011 (Art. 27 para 1)

<sup>179</sup> Law 3907/2011 (Art. 27 para 2)

<sup>180</sup> Law 3907/2011 (Art. 27 para 3) & JMD n. 4000/4/46-a/22.7.2009 (Art. 1 para 2)

<sup>181</sup> Law 3907/2011 (Art. 28 para 1) and 3386/2005 (Art. 77); See also the section of ‘Detention’ for persons who are issued a return decision as detainees

<sup>182</sup> Law 3386/2005 (Art. 77)

<sup>183</sup> Law 3068/2002 (Art. 15 para 1)

<sup>184</sup> Law 3907/2011 (Art. 28 para 1)

upon request, in accordance with the general provisions of Law 3226/2004 “on providing legal aid to low-income citizens”<sup>185</sup>. Application for annulment against return decisions can be lodged before First Instance Administrative Court<sup>186</sup>.

## 5.10. Detention

TCNs who are subject to return procedures are detained for the preparation of the return procedure<sup>187</sup>. Authorities may apply other less restrictive measures if these measures are deemed effective and if the police deem that: a) there is no risk of absconding; or b) the TCN is cooperative and does not hamper the preparation of the return procedure; or c) there are no national security reasons<sup>188</sup>. Detention must be imposed for the absolutely necessary period of time for the removal process, which must be executed with due diligence<sup>189</sup>. A TCN can be detained up to 6 months<sup>190</sup> but this period can be extended up to 18 months<sup>191</sup>. In the event that the TCN is arrested to enforce an expulsion order for which s(he) has already been detained and the statutory maximum detention period has been exhausted, s(he) can be detained again but only for the necessary period of time to complete the legal formalities of his removal<sup>192</sup>. Asylum seekers can be detained even in the event that they applied for international protection at liberty.

### *Decision ordering detention*

Detention is ordered by a decision<sup>193</sup> of the police<sup>194</sup>. According to the general provisions of Greek administrative law, all the decisions must be written and have to mention the issuing authority and the applicable legal provisions, the date and the authority of issuance, the right to appeal, the body which is responsible for examining the appeal, the deadline for filing an appeal, as well as the consequences of failing to exercise the right to file an appeal<sup>195</sup>.

The detainee, as a first mean of defence, has 48 hours to submit objections before the police authorities<sup>196</sup> arguing why s(he) should not be suspected of absconding and s(he) does not constitute a danger for the public order or security<sup>197</sup>. As a second mean, a TCN can express his/her Objections against the decision before the judge of the First Instance Administrative Court<sup>198</sup>. In case that the Objections are accepted, the judge orders the police to set the

<sup>185</sup> Law 3226/2004 on providing legal aid to low-income citizens.

<sup>186</sup> Law 3068/2002 (Art. 15)

<sup>187</sup> Law 3907/2011 (Art. 30 para 1)

<sup>188</sup> Law 3907/2011 (Art. 30 para 1)

<sup>189</sup> Law 3907/2011 (Art. 30 para 1)

<sup>190</sup> Law 3907/2011 (Art. 30 para 5)

<sup>191</sup> Law 3907/2011 (Art. 30 para 6)

<sup>192</sup> JMD no. 4000/4/46-α' (Art. 1 para 1)

<sup>193</sup> Law 3386/2005 (Art. 76 para 2)

<sup>194</sup> In particular by the police Director and especially for the General police Directorates of Athens and Thessaloniki, by the police Director responsible for TCNs issues or a higher officer appointed by the General police Director.

<sup>195</sup> Law 2690/1999 (Art. 16 para 1)

<sup>196</sup> Law 3907/2011 (Art. 30 para 2) & Law 3386/2005 (Art. 76 para 4-5)

<sup>197</sup> Law 3386/2005 (Art. 76 para 2)

<sup>198</sup> Law 3907/2011 (Art. 30 para 2) & Law 3386/2005 (Art. 76 para 3-5)

detainee free and sets a deadline for departure. This deadline cannot exceed the 30 days, unless there is a reason preventing expulsion<sup>199</sup>.

### 5.11. Emergency Situations

In situations where an exceptionally large number of TCNs subject to return procedures provokes an unforeseen, heavy burden on the capacity of the detention facilities or on its administrative or judicial staff of the country, the relevant authorities may, for as long as the exceptional situation persists, decide to extend the deadlines for judicial review and to take urgent measures regarding the conditions of detention derogating from the relative provisions of law<sup>200</sup>. When resorting to such exceptional measures, the competent authorities shall inform the European Commission<sup>201</sup>.

Under no circumstances the above-mentioned provisions can be interpreted as allowing Greek authorities to derogate from their general obligation to take all appropriate measures, whether general or particular, in order to ensure fulfilment of their obligations, as arise from the relative legislation<sup>202</sup>.

### 5.12. Readmission Process

Greece has signed and ratified more than 18 bilateral readmission agreements with the following countries: Bosnia-Herzegovina, Bulgaria, Croatia, France, Hungary, Italy, Latvia, Lithuania, Malta, Moldova, Montenegro, Poland, Romania, Russia, Serbia, Slovenia, Switzerland, Turkey and Germany.

In 2022 Greece and Bangladesh signed a Memorandum of Understanding<sup>203</sup>. This agreement sets out the conditions of entry and temporary residence of Bangladeshi nationals for the purpose of temporary employment<sup>204</sup>. The same year Greece and Egypt signed an Agreement<sup>205</sup> for the employment of seasonal workers in the agricultural sector.

#### ***Readmissions on the basis of EU-Turkey Statement***

After the adoption of the EU-Turkey Statement<sup>206</sup> a practice of systematic geographical restriction<sup>207</sup> is imposed on every newly arrived person (after 20/3/2016) in order to be readmitted to Turkey in case they do not seek international protection or their applications are rejected. The implementation of returns on the basis of EU-Turkey Statement has been suspended since March 2020<sup>208</sup> after the border incidents that took place in the Evros region

<sup>199</sup> Law 3386/2005 (Art. 76 para 5)

<sup>200</sup> Law 3907/2011 (Art. 33 para 1)

<sup>201</sup> Law 3907/2011 (Art. 33 para 2)

<sup>202</sup> Law 3907/2011 (Art. 33 para 3)

<sup>203</sup> Ratified by Law 4959/2022.

<sup>204</sup> European Commission (2023) *Greece: Online platform opened to facilitate applications for residence from Bangladeshi citizens*. Available at:

[<https://shorturl.at/cms35>]. Accessed: 15/10/2023.

<sup>205</sup> Ratified by Law 5009/2023

<sup>206</sup> European Commission (2016) *EU-Turkey Statement: Questions and Answers*. Available at:

[[https://ec.europa.eu/commission/presscorner/detail/en/MEMO\\_16\\_963](https://ec.europa.eu/commission/presscorner/detail/en/MEMO_16_963)]. Accessed: 10/9/2023.

<sup>207</sup> The geographical restriction consists of an obligation not to leave the island and of an obligation to reside at the hotspot facility.

<sup>208</sup> European Commission (2022) *Communication from the Commission to the Council and the*

in 2020<sup>209</sup>. The Greek Turkish bilateral readmission Protocol concluded in 2002 is the only legal framework of the Statement with respect to returns<sup>210</sup> as the parties failed to finalise the legal process aiming to advance the applicability of the provisions EU-Turkey Readmission Agreement (signed on 1.10.2014) on the readmission of TCNs by 1 June 2016<sup>211</sup>. However, the implementation of the Bilateral Protocol has been suspended by the Turkish authorities from 2018<sup>212</sup>.

### ***The application of the Safe Third Country concept within the procedure for international protection***

Greece considers<sup>213</sup> as Safe Third Countries the following states: Turkey (for applicants from Syria, Afghanistan, Pakistan, Bangladesh and Somalia), Albania and North Macedonia. The application of the Safe Third Country concept is extensive<sup>214</sup> and complaints on violations of a series of provisions of EU and international law have been directly brought before the European Commission the examination of which is still pending<sup>215</sup>.

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*European Parliament: Sixth Annual Report on the Facility for Refugees in Turkey*, p. 2. Available at: [[https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/COM\\_2022\\_243\\_1\\_EN\\_ACT\\_part1\\_v3.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/COM_2022_243_1_EN_ACT_part1_v3.pdf)]. Accessed: 9/10/2023.

<sup>209</sup> Teunissen, P. & Koutrolikou, P. (2022) Echoes of Imperialism: Crisis, Conflict and the (Re)configurations of Otherness in the Evros/ Edirne Borderlands. In Lemberg-Pedersen, M., Fett, S.M., Mayblin, L., Sahraoui, N. & Stambøl, E.M. (eds.) *Postcoloniality and Forced Migration. Mobility, Control, Agency*. Bristol University Press.

<sup>210</sup> European Commission (2016) EU-Turkey Statement: Questions and Answers. Available at: [[https://ec.europa.eu/commission/presscorner/detail/en/MEMO\\_16\\_963](https://ec.europa.eu/commission/presscorner/detail/en/MEMO_16_963)]. Accessed: 10/9/2023.

<sup>211</sup> Öztürk, N. O. & Soykan, C. (2019) Third Anniversary of EU-Turkey Statement: A Legal Analysis. Available at: [<https://tr.boell.org/en/2019/10/03/third-anniversary-eu-turkey-statement-legal-analysis>]. Accessed: 10/01/2024

<sup>212</sup> Apnews (2018) Turkey suspends migrant deal with Greece. Available at: [<https://apnews.com/a8d99534527947279457363a3b072b89/Turkey-suspends-migrant-deal-with-Greece>]. Accessed: 10/01/2024; European Commission (2020). Turkey 2020 Report, p. 49. Available at: [[https://neighbourhood-enlargement.ec.europa.eu/system/files/2020-10/turkey\\_report\\_2020.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2020-10/turkey_report_2020.pdf)]. Accessed: 9/1/2024

<sup>213</sup> Pursuant to JMD no. 458568/16.12.2021 'Amendment of no 42799/03.06.2021 Joint Ministerial Decision of the Minister of Foreign Affairs and the Minister of Migration and Asylum 'Designation of third countries as safe and establishment of national list pursuant to Article 86 of Law 4636/2019 (A' 169)' (B'2425)'

<sup>214</sup> On 2021 GAS dismissed 6.424 asylum applications as inadmissible based on the safe third country concept. Out of this number only 979 decisions concern the border procedure. Information available at: [<https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/11873945.pdf>]. Accessed: 9/1/2024

<sup>215</sup> RSA (2022) *Greece arbitrarily deems Turkey a 'safe third country' in flagrant violation of rights*. Available at: [[https://rsaegean.org/wp-content/uploads/2022/02/RSA\\_STC\\_LegalNote\\_EN.pdf](https://rsaegean.org/wp-content/uploads/2022/02/RSA_STC_LegalNote_EN.pdf)]. Accessed: 9/1/2024

## 6. International Cooperation

	Type of Bilateral Agreements and Negotiations	Title	Signatory State/ Target Third Country	Date		Link to the document
				Signature	Entry into force	
1	Standard Readmission agreements signed	Agreement between the Government of the Hellenic Republic and the Council of Ministers of Bosnia-Herzegovina on the readmission of persons residing illegally in the territory of their respective states. Ratified by Law 3547/2007.	Greece / Bosnia-Herzegovina	09/2/2006	1/6/2007	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wFNArv4K6ip3dtvSoClrL8SFJZYW49XFPtI9LgdkF53UIxsx942CdvqxSQYnuqAGCFoIFB9H16qSYtMQEKEHLwnFqmgJSA5WlsluV-">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wFNArv4K6ip3dtvSoClrL8SFJZYW49XFPtI9LgdkF53UIxsx942CdvqxSQYnuqAGCFoIFB9H16qSYtMQEKEHLwnFqmgJSA5WlsluV-</a>
2		Protocol between the Government of the Hellenic Republic and the Council of Ministers of Bosnia-Herzegovina on the Implementation of the Agreement between the European Community and Bosnia-Herzegovina on the Readmission of Persons Staying Without Permit. Ratified by Law 4669/2020.	Greece / Bosnia-Herzegovina	24/11/2015	NOT FOUND	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wHUdWr4xouZundtvSoClrL8b5S2mIvi-NjtI9LgdkF53UIxsx942CdyqxSQYnuqAGCFoIFB9H16qSYtMQEKEHLwnFqmgJSA5WlsluV-nRwO1oKqSe4BLOTSpEWYhszF8P8UoWb">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wHUdWr4xouZundtvSoClrL8b5S2mIvi-NjtI9LgdkF53UIxsx942CdyqxSQYnuqAGCFoIFB9H16qSYtMQEKEHLwnFqmgJSA5WlsluV-nRwO1oKqSe4BLOTSpEWYhszF8P8UoWb</a>
3		Agreement between the Governments of the Hellenic Republic and the Republic of Bulgaria regarding the readmission of persons whose residence is illegal. Ratified by Law 2406/1996.	Greece / Bulgaria	15/12/1995	NOT FOUND	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wGW8w3YEhDyt3dtvSoClrL8sN_C15tJ5zV5MXDoLzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wGW8w3YEhDyt3dtvSoClrL8sN_C15tJ5zV5MXDoLzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1</a>
4		Agreement between the Government of the Hellenic Republic and the Government of the Republic of Croatia regarding the readmission of persons whose residence is illegal	Greece / Croatia	10/3/1995	14/3/1996	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wEqajsMsZeph3dtvSoClrL8jXotFUXFV2R5MXDoLzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wEqajsMsZeph3dtvSoClrL8jXotFUXFV2R5MXDoLzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1</a>
5		Agreement between the Government of the Hellenic Republic and the Government of the French Republic for the readmission of persons in an illegal status. Ratified by Law 2917/2001.	Greece / France	15/12/1999	1/1/2004	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wHgzlpqloT4HdtvSoClrL88VQbDlIsbtp5MXDoLzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wHgzlpqloT4HdtvSoClrL88VQbDlIsbtp5MXDoLzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1</a>
6		Agreement between the Government of the Hellenic Republic and the Government of the Republic of Hungary on the readmission of persons residing illegally in the territory of their States. Ratified by Law 3321/2005.	Greece / Hungary	29/1/2003	1/5/2005	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wHrZvzisKbkqadvSoClrL8wKsDxGjkyKjtI9LgdkF53UIxsx942CdyqxSQYnuqAGCFoIFB9H16qSYtMQEKEHLwnFqmgJSA5WlsluV-">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wHrZvzisKbkqadvSoClrL8wKsDxGjkyKjtI9LgdkF53UIxsx942CdyqxSQYnuqAGCFoIFB9H16qSYtMQEKEHLwnFqmgJSA5WlsluV-</a>
7		Agreement between the Government of the Hellenic Republic and the Government of the Italian Republic on the readmission of persons in an illegal status. Ratified by Law 2857/2000.	Greece/ Italy	30/4/1999	7/11/2000	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wEtf2Ep4n9LfndtvSoClrL821paEXBAV1p5MXDoLzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wEtf2Ep4n9LfndtvSoClrL821paEXBAV1p5MXDoLzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1</a>



8	Agreement between the Government of the Hellenic Republic and the Government of the Republic of Latvia regarding the readmission of persons whose residence is illegal. Ratified by Law 2861/2001.	Greece / Latvia	17/3/1999	21/12/2001	<a href="http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wEtf2Ep4n9LfnDtvSoClrL8M3utS zAwPPh5MXDOLzQTLWPUyLzB8V68kn BzLcmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ59cmWyJWelDvWS_18kAEhATUkJbox1">http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wEtf2Ep4n9LfnDtvSoClrL8M3utS zAwPPh5MXDOLzQTLWPUyLzB8V68kn BzLcmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ59cmWyJWelDvWS_18kAEhATUkJbox1</a>
9	Agreement between the Government of the Hellenic Republic and the Government of the Republic of Lithuania regarding the readmission of persons whose residence is illegal. Ratified by Law 2911/2001.	Greece / Lithuania	1/7/1999	1/5/2004	<a href="http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wHgzlpqlo0T4HdtvSoClrL8WJ4GK x8iICXtl9LGdkF53UIx942CdyqxSQYnu qAGCFoIFB9HI6qSYtMQEkEHLwnFqmgJ SA5WIsLuV-">http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wHgzlpqlo0T4HdtvSoClrL8WJ4GK x8iICXtl9LGdkF53UIx942CdyqxSQYnu qAGCFoIFB9HI6qSYtMQEkEHLwnFqmgJ SA5WIsLuV-</a>
10	Agreement between the Government of the Hellenic Republic and the Government of Malta on the cooperation of the Ministry of Public Order of the Hellenic Republic and the Ministry of Internal Affairs of Malta in issues of their competence. Ratified by Law 3125/2003.	Greece / Malta	24/5/2001	NOT FOUND	<a href="http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wFalhF2BrTT7HdtvSoClrL8fss9of yoJIDtl9L.GdkF53UIx942CdyqxSQYnu qAGCFoIFB9HI6qSYtMQEkEHLwnFqmgJ SA5WIsLuV- nRwO1oKqSe4BLOTSpEWYhszF8P8UqWb">http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wFalhF2BrTT7HdtvSoClrL8fss9of yoJIDtl9L.GdkF53UIx942CdyqxSQYnu qAGCFoIFB9HI6qSYtMQEkEHLwnFqmgJ SA5WIsLuV- nRwO1oKqSe4BLOTSpEWYhszF8P8UqWb</a>
11	Protocol between the Government of the Hellenic Republic and the Government of the Republic of Moldova on the implementation of the Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without a permit, which was signed in Brussels, on October 10, 2007. Ratified by Law 4980/2022.	Greece / Moldova	28/3/2014	NOT FOUND	<a href="http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wGGrzhDLepZ3dtvSoClrL8u_1H zLbdJF5MXDoLzQTLWPUyLzB8V68kn BzLcmTXKaO6fpVZ6Lx3UnKl3nP8Nxdn J59cmWyJWelDvWS_18kAEhATUkJbox1 LIdQ163nV9K-- td6SiuRAAJhpAUuggXnLTdbq-K-">http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wGGrzhDLepZ3dtvSoClrL8u_1H zLbdJF5MXDoLzQTLWPUyLzB8V68kn BzLcmTXKaO6fpVZ6Lx3UnKl3nP8Nxdn J59cmWyJWelDvWS_18kAEhATUkJbox1 LIdQ163nV9K-- td6SiuRAAJhpAUuggXnLTdbq-K-</a>
12	Protocol between the Government of the Hellenic Republic and the Government of Montenegro on the implementation of the Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without a permit, which was signed in Brussels on 18 September 2007. Ratified by Law 4862/2021.	Greece / Montenegro	7/3/2019	1/5/2022	<a href="http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wEzH9d6xfpRXdtvSoClrL81_Y M9eaMm1p5MXDOLzQTLWPUyLzB8V68kn BzLcmTXKaO6fpVZ6Lx3UnKl3nP8Nxdn J59cmWyJWelDvWS_18kAEhATUkJbox1 LIdQ163nV9K-- td6SiuUKG1rZdaIKweBvUbPttROI-">http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wEzH9d6xfpRXdtvSoClrL81_Y M9eaMm1p5MXDOLzQTLWPUyLzB8V68kn BzLcmTXKaO6fpVZ6Lx3UnKl3nP8Nxdn J59cmWyJWelDvWS_18kAEhATUkJbox1 LIdQ163nV9K-- td6SiuUKG1rZdaIKweBvUbPttROI-</a>
13	Agreement between the Government of the Hellenic Republic and the Government of the Republic of Poland regarding the readmission of persons deprived of a residence permit, as amended by the exchange of verbal communications of 13.6.1995 and 20.6.1995. Ratified by Law 2384/1996.	Greece / Poland	21/11/1994 Amended by the exchange of verbal communications	5/5/1996	<a href="http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wGw8w3YehDyt3dtvSoClrL8b5S 2mlvi- Njtl9LGdkF53UIx942CdyqxSQYnuqAG CFoIFB9HI6qSYtMQEkEHLwnFqmgJSA5 WIsLuV- nRwO1oKqSe4BLOTSpEWYhszF8P8UqWb">http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wGw8w3YehDyt3dtvSoClrL8b5S 2mlvi- Njtl9LGdkF53UIx942CdyqxSQYnuqAG CFoIFB9HI6qSYtMQEkEHLwnFqmgJSA5 WIsLuV- nRwO1oKqSe4BLOTSpEWYhszF8P8UqWb</a>
14	Agreement between the Government of the Hellenic Republic and the Government of Romania regarding the readmission of persons in an illegal status. Ratified by Law 2301/1995.	Greece / Romania	6/6/1994	19/8/1995	<a href="http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wEqJsmZeph3dtvSoClrL8_NSN YUWRl5Htl9L.GdkF53UIx942CdyqxSQ YNuqAGCFoIFB9HI6qSYtMQEkEHLwnFq mgJSA5WIsLuV-">http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wEqJsmZeph3dtvSoClrL8_NSN YUWRl5Htl9L.GdkF53UIx942CdyqxSQ YNuqAGCFoIFB9HI6qSYtMQEkEHLwnFq mgJSA5WIsLuV-</a>
15	Implementation Protocol between the Government of the Hellenic Republic and the Government of the Russian Federation regarding the implementation of the Readmission Agreement between the Russian Federation and the European Community of May 25, 2006. Ratified by Law 4466/2017.	Greece / Russia	18/12/2012	NOT FOUND	<a href="http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wEsrtjPoJAlxBXdtvSoClrL8ExDiw SImocLtl9L.GdkF53UIx942CdyqxSQYnu qAGCFoIFB9HI6qSYtMQEkEHLwnFqmg JSA5WIsLuV- nRwO1oKqSe4BLOTSpEWYhszF8P8UqWb _zFijCXNEskXWBB6eifalbkQ6X8un_FU3">http://www.et.gr/idoenph/search/pdfViewerForm.html?args=5C7QrtC22wEsrtjPoJAlxBXdtvSoClrL8ExDiw SImocLtl9L.GdkF53UIx942CdyqxSQYnu qAGCFoIFB9HI6qSYtMQEkEHLwnFqmg JSA5WIsLuV- nRwO1oKqSe4BLOTSpEWYhszF8P8UqWb _zFijCXNEskXWBB6eifalbkQ6X8un_FU3</a>

16		Protocol between the Governments of the Hellenic Republic and the Republic of Serbia on the implementation of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without a permit, which was signed in Brussels on September 18, 2007. Ratified by Law 4861/2021.	Greece / Serbia	11/9/2013	NOT FOUND	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wEzH9d6xfVpRXdtvSoClrL8zS83ZvoDVVR5MXD0LzQTLWPU9yLzB8V68knBzLcmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1LldQ163nV9K--td6SIuaRgW0stjFwnlvHbhaQxsqGxtHVV">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wEzH9d6xfVpRXdtvSoClrL8zS83ZvoDVVR5MXD0LzQTLWPU9yLzB8V68knBzLcmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1LldQ163nV9K--td6SIuaRgW0stjFwnlvHbhaQxsqGxtHVV</a>
17		Agreement between the Government of the Hellenic Republic and the Government of the Republic of Slovenia on the readmission of persons in an illegal status and of the attached Protocol. Ratified by Law 2353/1995.	Greece / Slovenia	6/4/1994	13/1/1996	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wEqajsMsZeph3dtvSoClrL8_NSNYUWRl5Htl9LgdkF53Ulxsv942CdyqxSQYNUqAGCFofB9HI6qSYtMQEkelHwnFqmgJSA5WlsluV-">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wEqajsMsZeph3dtvSoClrL8_NSNYUWRl5Htl9LgdkF53Ulxsv942CdyqxSQYNUqAGCFofB9HI6qSYtMQEkelHwnFqmgJSA5WlsluV-</a>
18		Agreement between the Government of the Hellenic Republic and the Swiss Federal Council for the readmission of persons in an illegal status and of the relevant Implementation Protocol. Ratified by Law 3726/2008.	Greece / Switzerland	28/8/2006	NOT FOUND	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wHtyKlZYnhP8HdtvSoClrL8f8yKrbKt5HR5MXD0LzQTLWPU9yLzB8V68knBzLcmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wHtyKlZYnhP8HdtvSoClrL8f8yKrbKt5HR5MXD0LzQTLWPU9yLzB8V68knBzLcmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1</a>
19		Protocol for the implementation of Article 8 of the Agreement between the Government of the Hellenic Republic and the Government of the Republic of Turkey on combating crime, especially terrorism, organized crime, illegal drug trafficking and illegal immigration. Ratified by Law 3030/2002.	Greece / Turkey	8/11/2001	5/8/2002	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wHghqNAYvmYB3dtvSoClrL8Tq6rbLkT5HR5MXD0LzQTLWPU9yLzB8V68knBzLcmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1LldQ163nV9K--td6SIuSxvfSjBHR6BH7beimMo8BJRoJG9t">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wHghqNAYvmYB3dtvSoClrL8Tq6rbLkT5HR5MXD0LzQTLWPU9yLzB8V68knBzLcmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJbox1LldQ163nV9K--td6SIuSxvfSjBHR6BH7beimMo8BJRoJG9t</a>
20		Administrative agreement between Germany and Greece (“Seehofer Deal”)	Greece / Germany	NOT FOUND	18/8/2018	<a href="https://www.fmrw.de/fileadmin/fmrw/media/EU_Asylopolitik/Germany_Greece_Deal_eng.pdf">https://www.fmrw.de/fileadmin/fmrw/media/EU_Asylopolitik/Germany_Greece_Deal_eng.pdf</a>
1	<b>Non-standard readmission arrangements</b>	Agreement between the Governments of the Hellenic Republic and the Republic of Albania on the cooperation of their Ministries of Public Order in issues of their competence. Ratified by Law 2147/1993. (Police cooperation Agreement)	Greece / Albania	17/7/1992	10/2/1995	<a href="https://www.e-nomothesia.gr/diethneis-suntheke/nomos-2147-1993-phek-96a-16-6-1993.html">https://www.e-nomothesia.gr/diethneis-suntheke/nomos-2147-1993-phek-96a-16-6-1993.html</a>
2		Protocol between the Government of the Hellenic Republic and the Council of Ministers of the Republic of Albania regarding the implementation of the Agreement between the Governments of the Hellenic Republic and the Republic of Albania on the cooperation of their Ministries of Public Order in issues of their competence. Ratified by Law 3962/2011. (Police cooperation Agreement)	Greece / Albania	12/3/2010	NOT FOUND	<a href="https://www.e-nomothesia.gr/diethneis-suntheke/nomos-3962-2011-phek-98a-29-4-2011.html">https://www.e-nomothesia.gr/diethneis-suntheke/nomos-3962-2011-phek-98a-29-4-2011.html</a>
3		Agreement on the cooperation between the Ministry of Public Order of the Hellenic Republic and the Ministry of Interior of the Republic of Armenia. Ratified by Law 2499/1997. (Police cooperation Agreement)	Greece / Armenia	18/6/1996	NOT FOUND	<a href="https://www.e-nomothesia.gr/diethneis-suntheke/nomos-2499-1997-phek-100a-16-5-1997.html">https://www.e-nomothesia.gr/diethneis-suntheke/nomos-2499-1997-phek-100a-16-5-1997.html</a>
4		Agreement between the Government of the Hellenic Republic and the Council of Ministers of Bosnia and Herzegovina on cooperation in combating crime, especially terrorism, illegal drug trafficking and organized crime. Ratified by Law 3725/2008. (Police cooperation Agreement)	Greece / Bosnia and Herzegovina	9/2/2006	NOT FOUND	<a href="https://www.e-nomothesia.gr/diethneis-suntheke/nomos-3725-2008-phek-256a-17-12-2008.html">https://www.e-nomothesia.gr/diethneis-suntheke/nomos-3725-2008-phek-256a-17-12-2008.html</a>

5		Agreement between the Government of the Hellenic Republic and the Government of the Republic of Lithuania on the cooperation of the Ministry of Public Order of the Hellenic Republic and the Ministry of Internal Affairs of the Republic of Lithuania in issues of their competence. Ratified by Law 2426/1996.	Greece / Lithuania	26/6/1995	NOT FOUND	<a href="https://www.e-nomothesia.gr/inner.php/diethneis-suntheke/nomos-2426-1996-phek-149a-4-7-1996.html?print=1">https://www.e-nomothesia.gr/inner.php/diethneis-suntheke/nomos-2426-1996-phek-149a-4-7-1996.html?print=1</a>
6		Agreement between the Government of the Hellenic Republic and the Government of Malta on the cooperation of the Ministry of Public Order of the Hellenic Republic and the Ministry of Internal Affairs of Malta in issues of their competence. Ratified by Law 3125/2003. (Police cooperation Agreement)	Greece / Malta	24/5/2001	NOT FOUND	<a href="https://www.e-nomothesia.gr/diethneis-suntheke/nomos-3125-2003-phek-63a-14-3-2003.html">https://www.e-nomothesia.gr/diethneis-suntheke/nomos-3125-2003-phek-63a-14-3-2003.html</a>
7		Agreement between the Governments of the Hellenic Republic and Romania on the cooperation of the Ministry of Public Order of the Hellenic Republic and the Ministry of the Interior of Romania in issues of their competence. Ratified by Law 2138/1993. (Police cooperation Agreement)	Greece / Romania	6/6/1992	5/11/1994	<a href="https://www.e-nomothesia.gr/diethneis-suntheke/nomos-2138-1993-phek-84a-28-5-1993.html">https://www.e-nomothesia.gr/diethneis-suntheke/nomos-2138-1993-phek-84a-28-5-1993.html</a>
8		Agreement between the Hellenic Republic and the Republic of Turkey for the cooperation of the Ministry of Public Order of the Hellenic Republic and the Ministry of the Interior of the Republic of Turkey in combating crime, especially terrorism, organized crime, illegal drug trafficking and illegal immigration. Ratified by Law 2926/2001. (Police cooperation Agreement)	Greece / Turkey	20/1/2000	17/7/2001	<a href="https://www.e-nomothesia.gr/diethneis-suntheke/nomos-2926-2001-phek-139a-27-6-2001.html">https://www.e-nomothesia.gr/diethneis-suntheke/nomos-2926-2001-phek-139a-27-6-2001.html</a>
9		Agreement/Protocol (according to the media) or Common Declaration (According to the Council of Europe) between the Hellenic Republic and the Republic of Turkey for the readmission of persons in an illegal status	Greece / Turkey	14/5/2010	NOT FOUND	NOT FOUND
1	<b>Deals</b>	Memorandum of Understanding (MoU) between the Government of the Hellenic Republic and the Government of the People's Republic of Bangladesh on Migration and Mobility. Ratified by Law 4959/2022.	Greece / Bangladesh	9/2/2022	NOT FOUND	<a href="http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wGGrezhDLcpZ3dtvSoClrL8VngElbqsA6B5MXDoLzQTLWPu9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWeldvWS_18kAEhATukJbox1">http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wGGrezhDLcpZ3dtvSoClrL8VngElbqsA6B5MXDoLzQTLWPu9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWeldvWS_18kAEhATukJbox1</a>
2		Agreement between the Government of the Hellenic Republic and the Government of the Arab Republic of Egypt on the employment of seasonal workers in the agricultural sector. Ratified by Law 5009/2023.	Greece / Egypt	22/11/2022	24/1/2023	<a href="https://treaties.un.org/doc/Publication/UNTS/No%20Volume/57666/Part/I-57666-08000028060c238.pdf">https://treaties.un.org/doc/Publication/UNTS/No%20Volume/57666/Part/I-57666-08000028060c238.pdf</a>

## 7. Funding Return and Related Programmes

The MMA provides information pertaining to Return and Related Programmes through its periodic reports. Funding for these programs is allocated via the Asylum and Migration Fund (AMIF), during the programming periods of 2014-2020 and 2021-2027. The primary beneficiaries of Return-related funding are the Hellenic Police and the International Organisation for Migration (IOM) - Mission in Greece. IOM receives funding for implementing Assisted Voluntary Returns and Reintegration (AVRR), reintegration measures, and operating the Hosting Facility for voluntarily returning applicants. The Hellenic Police primarily receives funding for the operation of Pre-Departure Detention Centers (PROKEKA).

**Table 4. Funded return programs**

<b>Fund</b>	<b>Title</b>	<b>Beneficiary</b>	<b>Project Approval Date</b>	<b>Union Contribution*</b>
AMIF	Improvement of Living Conditions in the Pre-Departure Centers	Hellenic Police	13/10/2016	59,548,925.99 €
AMIF	The implementation of assisted voluntary returns including reintegration measures	International Organization for Migration (IOM)	27/05/2016	24,352,500.00 €
AMIF	The application of Forced Returns of irregular Third Country Nationals	Hellenic Police	14/04/2016	12,152,217.84 €
AMIF	Forced Returns Monitoring and Control System	European Programs Implementation Service (EPIS) of the Hellenic Parliament (HeP)	13/02/2017	200,625.00 €
AMIF	Development of the services provided in the Pre-Departure Detention Centers for Aliens: Medical and Pharmaceutical Care, Psychological Support, Social Support and Interpretation Services	Health Units SA / (AEMY A.E.)	06/10/2017	5,257,480.51 €
AMIF	The implementation of assisted voluntary returns including reintegration measures and the operation of an Open Accommodation Structure for Voluntary Return Applicants in the region of Attica	International Organization for Migration (IOM)	31/08/2019	3,280,515.32 €

AMIF	The implementation of assisted voluntary returns including reintegration measures and the operation of an Open Accommodation Structure for Voluntary Return Applicants in the region of Attica	International Organization for Migration (IOM)	31/08/2019	26,044,484.68 €
AMIF	Funding International Organization for Migration (IOM) - Mission in Greece, for the implementation of the project 'Implementation of assisted voluntary returns and reintegration measures as well as operation of a Hosting Facility for voluntarily returning applicants	International Organization for Migration (IOM)	01/09/2023	39,000,000.00 €
AMIF	Reinforcement of Police Services with personnel for providing guarding and operation services in Pre-Departure Detention Centers	Hellenic Police	29/10/2023	14,739,951.00 €

Source: Ministry of Migration and Asylum (2021) *List of AMIF – ISF Actions, February 2021*.

Available at: [<https://migration.gov.gr/wp-content/uploads/2021/03/Κατάλογος-Δράσεων-TAME-TEA-Φεβρουάριος-2021.pdf>]. Accessed: 15/11/2023 (in Greek);

Ministry of Migration and Asylum (2023) *Approved List - Asylum, Migration and Integration Fund (AMIF) 2021-2027*. Available at: [<https://tamey.gov.gr/amif2021-2027/calls/grant-agreements/?print=pdf>]. Accessed: 15/11/2023 (in Greek).

## 8. Gaps

The listing of existing legal provisions and institutional arrangements reveals a number of gaps in terms of legal certainty, consistency and guarantees. These gaps can be summarised in the following points:

1. The co-existence of Law 3907/2011 (which transposed the Return Directive) and Law 3386/2005 regarding administrative expulsions in the Greek legal order seems to produce ambiguity regarding the respective scopes of the two laws. Several Greek NGOs emphasise<sup>216</sup> that the way the Return Directive has been transposed to the Greek legal system enables the administration to bypass the procedures of the Directive and apply the deportation procedures of Law 3386/2005.
2. According to the Return Handbook, irregular entrants who have been apprehended at the borders and who subsequently obtained a right to remain as asylum seeker must not be excluded from the scope of the Directive as 'border cases', even if they become again 'irregular' after the final rejection of the asylum application<sup>217</sup>. In Greece, TCNs irregularly entering Greece at the borders are arrested, detained and an expulsion decision is issued against them in dereliction of the reception and identification process set out in Law 4939/2022<sup>218</sup>. Additionally, CJEU has ruled that the term 'in connection with the irregular crossing' in Article 2(2)(a) of the Directive requires a 'direct temporal and spatial link with that crossing of the border'. It thereby applies to persons 'apprehended or intercepted by the competent authorities at the very time of the irregular crossing of the border or near that border after it has been so crossed'<sup>219</sup>. Subsequently, in the event that a TCN applies for international protection, s(he) obtains an authorisation to stay in the country and his/her expulsion is suspended until the completion of the examination of his/her application. If the application is rejected, the expulsion decision is executed in accordance with the procedures of Law 3386/2005. However, this procedure raises issues of compatibility with Article 2 para. (2) (a) of the Return Directive which clarifies that an exception from the scope of the Directive can only occur if TCNs who were caught irregularly crossing the border were not subsequently granted the right to remain in the country<sup>220</sup>.

<sup>216</sup> RSA, GCR, HIAS, DRC (2021) *Observations on the Draft Law Reformation of procedures for deportations and returns of third-country nationals, issues of residence permits and procedures for granting international protection*. Available at: [<https://shorturl.at/coqTY>]. Accessed: 9/9/2023.

<sup>217</sup> European Commission (2017) *Return Handbook* p. 96. Available at [<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017H2338>]. Accessed: 17/11/2023.

<sup>218</sup> Law 4939/2022 (Art 38 et seq.)

<sup>219</sup> CJEU, Case C-47/15 Affum b Préfet du Pas-de-Calais and Procureur général de la Cour d'appel de Douai, 7 June 2016, para 72; Case C-444/17 Arib, 19 March 2019, para 46.

<sup>220</sup> National Commission for Human Rights (2021) *Observations on Draft Law of Ministry of Migration and Asylum 'Reform of deportation and return procedures of third country nationals, issues of residence permits and procedures for granting international protection and other provisions within the competence of the Ministry of Migration and Asylum and the Ministry of Citizen Protection*. Available at: [[https://www.nchr.gr/images/pdf/apofaseis/prosfuges\\_metanastes/GNCHR\\_YMA.pdf](https://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/GNCHR_YMA.pdf)]. Accessed: 20/11/2023;

Greek Ombudsman (2021) *Comments and observations on the draft law 'Reformation of procedures for deportations and returns of citizens of third countries, etc'*. Available at:

[<https://old.synigoros.gr/resources/130921-sxolia-sn-metanasteytiko.pdf>]. Accessed: 20/11/2023;

UNHCR (2021) *Reform of deportation and return procedures of third country nationals etc*. Available at: [<https://www.refworld.org/docid/61eacbc24.html>]. Accessed: 20/11/2023.

3. The decision rejecting an application for international protection, the decision revoking the status of international protection as well as the decision discontinuing the examination of the request incorporate a return decision<sup>221</sup>. However, in the event of one of the above-mentioned decisions, the independent Appeals Committees which examine applications for international protection in the second instance, do not examine whether conditions for a postponement of removal are met e.g. due to a risk of *refoulement*. Rather, they maintain the view that the responsibility lies with the police which is the competent authority for the execution of the removal. However, this is a contradictory situation, since the guarantees of the procedure are reduced as the relevant competence from the Appeals Committees (in which judges participate) is transferred to the police officials<sup>222</sup>. In addition, this runs counter to the duty of authorities to examine *non-refoulement* considerations before *issuing* a removal order, not just before execution thereof<sup>223</sup>.
4. Decisions discontinuing the examination of applications of international protection due to implicit withdrawal also incorporate a return decision even though the applicant has the right<sup>224</sup> to submit, within 9 months, an application before the GAS asking the continuation of the examination of his/her application. Consequently, as there has not been examination of the asylum application on the merits, the incorporation of the return decision as an integral part of the decisions that interrupts the asylum application can lead to violation of the principle of non-refoulement since the return decision can be executed as long as the applicant has not exercised his/her right to ask for the continuation of the procedure.
5. The deadline for voluntary departure can be extended to a maximum of three months. This period is deemed inadequate to serve the special circumstances for which it is granted and especially the case where the TCN has minor children who attend schools<sup>225</sup>. The latter case, often consists the ground for suspensive effect where applicants challenge such removal

<sup>221</sup> Law 4939/2022 (Art. 87 para 8 and Art. 100 para 10)

<sup>222</sup> National Commission for Human Rights (2021) *Observations on Draft Law of Ministry of Migration and Asylum 'Reform of deportation and return procedures of third country nationals, issues of residence permits and procedures for granting international protection and other provisions within the competence of the Ministry of Migration and Asylum and the Ministry of Citizen Protection*. Available at:

[[https://www.nchr.gr/images/pdf/apofaseis/prosfuges\\_metanastes/GNCHR\\_YMA.pdf](https://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/GNCHR_YMA.pdf)]. Accessed: 20/11/2023;

Greek Ombudsman (2021) *Comments and observations on the draft law 'Reformation of procedures for deportations and returns of citizens of third countries, etc'*. Available at:

[<https://old.synigoros.gr/resources/130921-sxolia-sn-metanasteytiko.pdf>]. Accessed: 20/11/2023;

UNHCR (2021) *Reform of deportation and return procedures of third country nationals etc.*

Available at: [<https://www.refworld.org/docid/61eacbc24.html>]. Accessed: 20/11/2023.

<sup>223</sup> See CJEU C-484 (para 26-28); CJEU-441/19 (para 49)

<sup>224</sup> Law 4939/2022 (Art. 86 para 4)

<sup>225</sup> National Commission for Human Rights (2021) *Observations on Draft Law of Ministry of Migration and Asylum 'Reform of deportation and return procedures of third country nationals, issues of residence permits and procedures for granting international protection and other provisions within the competence of the Ministry of Migration and Asylum and the Ministry of Citizen Protection*.

Available at: [[https://www.nchr.gr/images/pdf/apofaseis/prosfuges\\_metanastes/GNCHR\\_YMA.pdf](https://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/GNCHR_YMA.pdf)]. Accessed: 20/11/2023;

Greek Ombudsman (2021) *Comments and observations on the draft law 'Reformation of procedures for deportations and returns of citizens of third countries, etc'*. Available at:

[<https://old.synigoros.gr/resources/130921-sxolia-sn-metanasteytiko.pdf>]. Accessed: 20/11/2023;

UNHCR (2021) *Reform of deportation and return procedures of third country nationals etc..*

Available at: [<https://www.refworld.org/docid/61eacbc24.html>]. Accessed: 20/11/2023.

orders in administrative courts<sup>226</sup>. In addition, the extension of the deadline for voluntary departure is given after a relevant application of the TCN, which is examined within 15 days. In the event that the competent authority does not respond within this deadline, it is assumed that the request for an extension of the voluntary departure deadline is implicitly rejected<sup>227</sup>. However, authorities should reply with a reasoned decision within a prescribed period, so that the TCN can appeal this decision. The option of implicit rejection risks rendering ineffective -or even virtual- the obligation to examine the application<sup>228</sup>.

6. The suspension of the implementation of returns to Turkey on the basis of EU-Turkey Statement since March 2020 creates a wide ‘grey zone’ and exposes thousands of applicants for international protection, including vulnerable persons, to the risk of being in a situation of legal uncertainty, extreme poverty, deprivation of the right to access health care and reception conditions and/or generalised detention, taking into account that removal to Turkey is not feasible. It is worth mentioning that on 3/2/2023 the Plenary of the Greek Council of State with its decision<sup>229</sup> formulated preliminary questions to the CJEU regarding the National List of Safe Third Countries<sup>230</sup>, which includes Turkey as a safe third country, for asylum seekers whose applications are rejected as inadmissible. The Council of State submits questions to the CJEU regarding the influence on the legality of the national list of the fact that, for a long period of time (over 20 months), Turkey refuses the readmission of applicants for international protection, while at the same time it is not clear whether the possibility of a change in Turkey’s attitude in the near future has been taken into account.
7. NGOs and official actors denounce that the application of the concept of a safe third country by the Greek authorities, has led to the systematic rejection of applications for international protection on the basis of pre-formulated, similar and repeated decisions (template decision), raising serious doubts as to the individual assessment of applications, as required by national law and Directive 2013/32/EU on Asylum Procedures<sup>231</sup>.  
The application of the Safe Third Country Concept at first instance is extensive even though the suspension of the implementation of the EU-Turkey Statement. Furthermore, at second instance, Appeal Committees systematically refrain from taking position on this issue<sup>232</sup>. This consists a breach of the Asylum Procedure Directive (Art. 38 para 4). Additionally, in 2021, GAS has decided<sup>233</sup> that with regards to subsequent applications lodged by applicants arriving from Turkey whose initial claim has been rejected on the basis of the ‘safe third

<sup>226</sup> E.g. Decisions no. 397/2023, 323/2023, 370/2022 Administrative Court (First Instance) of Athens, Decision no. 221/2020 Administrative Court (First Instance) of Thessaloniki, Decision no. N195/2019 of the Administrative Court (Second Instance) of Thessaloniki.

<sup>227</sup> Law 3907/2011 (Art. 36 para 1)

<sup>228</sup> Greek Ombudsman (2021) *Comments and observations on the draft law ‘Reformation of procedures for deportations and returns of citizens of third countries, etc’*. Available at: [<https://old.synigoros.gr/resources/130921-sxolia-sn-metanasteytiko.pdf>]. Accessed: 20/11/2023.

<sup>229</sup> Council of State 177/2023. Available at: [<https://rb.gy/5gbouw>]. Accessed: 11/1/2024

<sup>230</sup> JMD 458568/15-12-2021. The decision of the Council of State was issued following a request for annulment by the GRC and RSA against the above JMD.

<sup>231</sup> National Commission for Human Rights (2021) *Observations on Draft Law of Ministry of Migration and Asylum ‘Reform of deportation and return procedures of third country nationals, issues of residence permits and procedures for granting international protection and other provisions within the competence of the Ministry of Migration and Asylum and the Ministry of Citizen Protection*. Available at: [[https://www.nchr.gr/images/pdf/apofaseis/prosfuges\\_metanastes/GNCHR\\_YMA.pdf](https://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/GNCHR_YMA.pdf)]. Accessed: 20/11/2023.

<sup>232</sup> RSA (2022) *Greece arbitrarily deems Turkey a “safe third country” in flagrant violation of rights*. Available at: [[https://rsaegean.org/wp-content/uploads/2022/02/RSA\\_STC\\_LegalNote\\_EN.pdf](https://rsaegean.org/wp-content/uploads/2022/02/RSA_STC_LegalNote_EN.pdf)]. Accessed: 9/1/2024.

<sup>233</sup> GAS (2021) JMD no. 112808. Available at: [<https://rb.gy/6u29a8>]. Accessed: 9/1/2024.



country' concept, new substantial elements shall exclusively bear on the assessment of the initial application based on the law and the EU-Turkey Statement relating to whether or not Turkey – as a transit country for the individual applicant – constitutes a Safe Third Country. Where no new substantial elements arise, the subsequent application must be dismissed as inadmissible. This constitutes a violation of article 40 para 2 of the Asylum Procedure Directive.

8. The JMD n. 4000/4/32-λα' which determines the criteria for the registration of TCNs to the National List of Undesirable TCNs, following the Convention Implementing the Schengen Agreement stipulates that in the National List, among others, are registered TCNs, whose presence on Greek territory constitutes a threat to national security, public safety or public order. Such a threat exists especially when there are clear indications that the TCN has committed a serious criminal act or indications that s(he) has carried out preparatory acts for the commission of such an act<sup>234</sup>. For the legality of the registration in the List, both in the event of a conviction and in the event of the existence of nuanced evidence of the commission of a serious criminal act, the decision of the police should take into account all the circumstances of the crime, and contain a specific justification why the presence of the TCN consists a 'threat' to national security, public safety or public order<sup>235</sup>. However, the police register all TCNs in the List based on the fact that at some point s(he) entered irregularly Greece from a non-legislated point of entry into the Greek territory and resided illegally in the country. This wide practice raises concerns as to the violation of the principle of non-refoulement and of Art. 3 of the ECHR.
9. The absence of a distinct humanitarian status for persons who do not qualify for international protection but may nevertheless not be returnable leaves several categories of vulnerable TCNs - notably those who face serious health problems - without the necessary protection and therefore this fact can lead to violation of Article 3 of the ECHR.
10. The decision ordering return or deportation is subject to the limitations of respecting the rules protecting fundamental rights. The violation of art. 3 and 8 of the ECHR is more likely in this case. For this reason, before issuing the decisions, authorities must actually examine thoroughly whether there is a risk of such a violation. And in the event that the TCN consist a danger for public order, a real check of the feasibility, necessity and proportionality of the imposition of the return/deportation measure should be carried out by authorities.
11. While the law provides for alternatives to detention of those issued with a return decision and asylum seekers, the Greek authorities refuse to examine such alternatives, even in cases where a deportation decision cannot be implemented<sup>236</sup>. Detention is certainly the rule rather than the exception when there is a decision for return or deportation, despite that existing detention conditions severely violate detainees' rights and dignity<sup>237</sup>. This is in

<sup>234</sup> JMD n. 4000/4/32-λα' (Art. 1(b))

<sup>235</sup> Hellenic Data Protection Authority (17.10.2012) Opinion n. 3/2012, pp. 227-228. Available at: [https://www.dpa.gr/sites/default/files/2020-12/ARXH%20PROSTASIAS%20APOLOGISMOS%202012\\_%20WEBUSE.PDF](https://www.dpa.gr/sites/default/files/2020-12/ARXH%20PROSTASIAS%20APOLOGISMOS%202012_%20WEBUSE.PDF). Accessed: 22/11/2023.

<sup>236</sup> Greek Council for Refugees & Oxfam (2021) *Detention as the Default. Joint Agency Briefing Paper*. Available at: <https://reliefweb.int/attachments/58d7775e-5b03-3940-9134-8a3913d4cabe/bp-detention-as-default-greece-asylum-161121-en.pdf>. Accessed: 20/11/2023.

<sup>237</sup> Greek Ombudsman (2022) *Return of Third Country Nationals. Special Report 2021*. Available at: [https://old.synigoros.gr/resources/docs/ethsia-ekthesi\\_2021\\_eng.pdf](https://old.synigoros.gr/resources/docs/ethsia-ekthesi_2021_eng.pdf). Accessed: 18/11/2023; BVMN [Border Violence Monitoring Network] (2020). Annual Torture Report. Available at: <http://borderviolence.eu/app/uploads/Annual-Torture-Report-2020-BVMN.pdf>. Accessed: 20/11/2023.

- sharp contrast with the legal provision that authorities must take into account if suitable detention facilities are available and if decent living conditions for the detainees are secured.
12. In the context of international protection, decisions are notified, inter alia, electronically (by email). However, many applicants do not have real knowledge of using a computer or are illiterate. For this reason, in the case of a negative decision, it is not always ensured that the applicant received knowledge of the decision regarding the asylum application and the return decision<sup>238</sup>.
13. For both detainees subject to removal and asylum seekers, detention on public order grounds is usually not properly justified and there is a lack of a comprehensive individualised procedure for each detention case, despite the legal obligation to do so. Administrative detention is extensively used, based on the invocation of public order and national security grounds<sup>239</sup>. In several cases detention is ordered solely for reasons of illegal entry (obviously contrary to the prohibition on detaining asylum seekers on account of irregular entry)<sup>240</sup>. Furthermore, the national legislation includes an indicative and non-exhaustive list of criteria for the establishment of a risk of absconding. Thus, other criteria not explicitly defined can also be used for determining the existence of such a risk (obviously contrary to the provision of European law that such criteria ‘must be defined by law’)<sup>241</sup>. Furthermore, the legality of detention<sup>242</sup>, is subject to an automatic judicial review which, however, regulates the extension of detention only and not the detention per se. Concerns have been expressed regarding the effectiveness of this procedure and statistics seem to confirm that the review is undertaken automatically, with no reference to the specificities of each case.<sup>243</sup>
14. Migrants registered with IOM for assisted voluntary return may also be kept in detention. On the one hand, this applies to those who register for AVRR while in detention and remain detained despite their declared willingness and consent to return. On the other hand, it may also apply to those who register for AVRR while at liberty but get arrested afterwards and are held in detention, again despite that AVRR procedures have already started<sup>244</sup>.

<sup>238</sup> Greek Ombudsman (2021) *Comments and observations on the draft law ‘Reformation of procedures for deportations and returns of citizens of third countries, etc.’*. Available at:

[<https://old.synigoros.gr/resources/130921-sxolia-sn-metanasteytiko.pdf>]. Accessed: 20/11/2023.

<sup>239</sup> Greek Ombudsman (2019) *Return of Third Country Nationals. Special Report 2018*. Available at: [<https://old.synigoros.gr/resources/english-final.pdf>]. Accessed: 20/11/2023.

<sup>240</sup> AIDA-ECRE (2023) *Country Report Greece 2022*. Available at: [<https://asylumineurope.org/reports/country/greece/>]. Accessed: 20/09/2023.

<sup>241</sup> Ibid.

<sup>242</sup> L. 3907/2011 (Art. 30 para 3)

<sup>243</sup> AIDA-ECRE (2023) *Country Report Greece 2022*, p. 218 et seq. Available at: [<https://asylumineurope.org/reports/country/greece/>]. Accessed: 20/09/2023;

United Nations Human Rights Council (2013) *Report of the Special Rapporteur on the human rights of migrants, Addendum: Mission to Greece*, p. 13. Available at: [<https://www.refworld.org/docid/51b983ab4.html>], Accessed: 12/1/2024.

<sup>244</sup> Interview with IOM staff for GAPs project, 18 October 2023.

15. Incidences of alleged push backs are systematically reported. Organizations and bodies as inter alia the Committee for the Prevention of Torture (CPT)<sup>245</sup>, UNHCR<sup>246</sup>, IOM<sup>247</sup>, the UN Special Rapporteur on the human rights of migrants<sup>248</sup>, the Council of Europe Commissioner for Human Rights<sup>249</sup>, European Anti-Fraud Office (OLAF)<sup>250</sup>, FRONTEX<sup>251</sup> and civil society organisations<sup>252</sup> have raised concerns or have been reported the persisting practice of alleged push backs. The Recording Mechanism of Informal Forced Returns has recorded<sup>253</sup>, between February 2022 and December 2022, testimonies of 50 incidents of informal forced returns that, according to the alleged victims, occurred from April 2020 to October 2022. According to the testimonies, the total number of alleged victims in these incidents amounts to at least 2,157 people. Among them are 214 women and 205 children, as well as 103 people with special needs, such as people with medical problems, people with disabilities, the elderly, etc. On 7/7/2022 the ECtHR condemned Greece for the deadly shipwreck that had taken place in 2014 off the coast of the island of Farmakonisi<sup>254</sup>.
16. While participation in AVRRE is voluntary in the sense that any participant has the right to withdraw at any time, the wider context in which the program operates is one of coercion, since it is also addressed to migrants issued with a return decision and even detainees.

<sup>245</sup> CPT (2020) *Council of Europe's anti-torture Committee calls on Greece to reform its immigration detention system and stop pushbacks*. Available at: [<https://www.coe.int/en/web/cpt/-/council-of-europe-s-anti-torture-committee-calls-on-greece-to-reform-its-immigration-detention-system-and-stop-pushbacks>]. Accessed: 11/1/2024

<sup>246</sup> UNHCR (2022) *Press Release: UNHCR warns of increasing violence and human rights violations at European borders*. Available at: [<https://www.unhcr.org/news/news-releases/news-comment-unhcr-warns-increasing-violence-and-human-rights-violations>]. Accessed: 10/1/2024

<sup>247</sup> IOM (2022) *Concerned about Increasing Deaths on Greece-Turkey Border*. Available at: [<http://tinyurl.com/3sra3bhu>]. Accessed: 11/1/2024; IOM (2020) *IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey*. Available at: [<https://www.iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey>]. Accessed: 11/1/2024

<sup>248</sup> United Nations, General Assembly (2022) *Human Rights Violations at International Borders: Trends, Prevention and Accountability: Report of the Special Rapporteur on the Human Rights of Migrants, Felipe González Morales, A/HRC/50/31, 26 April 2022*. Available at: [<https://daccess-ods.un.org/tmp/3621627.98643112.html>]. Accessed: 19/12/2023.

<sup>249</sup> Commissioner for Human Rights (2021) *Greek authorities should investigate allegations of pushbacks and ill-treatment of migrants, ensure an enabling environment for NGOs and improve reception conditions*. Available at [<http://tinyurl.com/ht5byny6>]. Accessed: 11/1/2024

<sup>250</sup> OLAF (2021) *Final Report: Case No OC/2021/0451/A1*. Available at: [[https://cdn.prod.www.spiegel.de/media/00847a5e-8604-45dc-a0fe-37d920056673/Directorate\\_A\\_redacted-2.pdf](https://cdn.prod.www.spiegel.de/media/00847a5e-8604-45dc-a0fe-37d920056673/Directorate_A_redacted-2.pdf)]. Accessed; 11/1/2024

<sup>251</sup> Ekathimerini (2023) *Frontex seeks answers from Greece on alleged 'pushbacks' of migrants*. Available at: [<https://www.ekathimerini.com/news/1214437/frontex-seeks-answers-from-greece-on-alleged-pushbacks-of-migrants>]. Accessed: 11/1/2024; Frontex (2022) *Fundamental Rights Officer Annual Report 2021*. Available at:

[[https://www.frontex.europa.eu/assets/Images\\_News/2022/FRO\\_Report\\_2021.pdf](https://www.frontex.europa.eu/assets/Images_News/2022/FRO_Report_2021.pdf)]. Accessed: 11/1/2024

<sup>252</sup> AIDA (2023) *Country Report Greece 2022*. Available at: [<https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>]. Accessed: 20/09/2023; RSA (2023) *Beyond Farmakonisi*. Available at: [<https://rsaegean.org/en/beyond-farmakonisi>]. Accessed: 10/1/2024; RSA (2022) *Systemic breaches of the rule of law and of the EU asylum acquis at Greece's land and sea borders*. Available at: [[https://rsaegean.org/en/greece\\_cso\\_briefing\\_libe](https://rsaegean.org/en/greece_cso_briefing_libe)]. Accessed: 11/1/2024

<sup>253</sup> Recording Mechanism of Informal Forced Returns (2023) *Recording Mechanism of Informal Forced Returns Annual Report*. Available at: [<https://nchr.gr/images/pdf/RecMechanism/fin.pdf>]. Accessed: 20/09/2023. (in Greek).

<sup>254</sup> ECtHR, *Safi and others v. Greece* (appeal no. 5418/15)

AVRR risks being a ‘facade’ of ‘voluntariness’ for migrants who face ‘the tough dilemma of absconding or departing “voluntarily”’<sup>255</sup>.

17. A comparison of funding flows<sup>256</sup> reveals that AVRR program organised and operated by IOM in Greece has received 53.7 million euros since 2016 from AMIF, which is less than the 77.2 million euros directed from the same Fund to the and other agencies for the implementation of forced returns, or the 121.4 million euros granted in 2020 for the construction cost of three reception centres in the islands of Samos, Kos and Leros<sup>257</sup>. Moreover, the resources that are given for the design and the implementation of reintegration schemes in AVRR amount to 10% of potential returnees of the program for the current implementation period (2023-2027), in comparison with 25% of returnees in 2016-2019<sup>258</sup>.
18. Moreover, existing legal inconsistencies are accompanied by poor available data on returns. Important data for Greece are missing in Eurostat and national databases, such as about the number of return decisions issued for applicants of international protection. Other data are of poor quality, as it happens with data about returned TCNs which are completely wrong when cross-tabulated by type of return. In short, the ‘gaps’ (observed) in (relation to) the data can be summarised as follows:
  - a. Between different categories of data, reflecting disparities (a) between administrative procedures towards returns (e.g. order to leave the country upon apprehension) and actual enforcement/implementation of returns, as well as (b) between different nationalities/countries, indicating variations between intergovernmental agreements on return and readmission.
  - b. Between different data sources on returns, e.g. disparities in data from Eurostat and from Greek sources regarding the same categories, or even within the same source, e.g. Eurostat: e.g. annual data table of ‘TCNs returned following an order to leave’ shows different figures from quarterly data table on the same category by type of return (among other variables)
  - c. Between terms/labels describing different types/categories of returns in the data in different years; shifts in terminology are also apparent in official public statements reporting on the data, e.g. ministerial press releases refer to ‘expulsions’ in 2021 but ‘deportations’ in 2022 to describe the very same category of (forced) returns. Data labels are also inconsistent with the legal terminology discussed in the dossier, especially before 2020. These observations may partly point to shifts in systems of recording and reporting on data over the years, alongside (in)consistency between statistical and legal categories and (lack of) convergence with EU terminology (both appear to be less common in recent years).

<sup>255</sup> Triandafyllidou, A. & Ricard-Guay, A. (2019) Governing irregular and return migration in the 2020s: European challenges and Asian Pacific perspectives. *Journal of Immigrant & Refugee Studies*, 17(2), 115-127.

<sup>256</sup> See Section 7.

<sup>257</sup> European Commission (2020) *Migration: Commission and Greece agree joint plan for a new reception centre in Lesvos*. Press release. Available at:

[[https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_2287](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2287)]. Accessed: 20/09/2023.

<sup>258</sup> IOM Greece (2019) *The Implementation of Assisted Voluntary Returns Including Reintegration Measures (AVRR). Final Report*. Available at:

[[https://greece.iom.int/sites/g/files/tmzbd11086/files/documents/IOM%20Greece%20Implementation%20of%20AVRR\\_EN.pdf](https://greece.iom.int/sites/g/files/tmzbd11086/files/documents/IOM%20Greece%20Implementation%20of%20AVRR_EN.pdf)]. Accessed: 20/09/2023.

## 9. Policy Suggestions

One of the most important aspects of the national legislation on return migration in Greece is the simultaneous existence of different legal frameworks that stipulate divergent procedures and undermine the implementation of the Return Directive. At the same time, the system of return governance consists of several national, supranational and international actors and is overall characterised by complexity both on paper and in practice. As it has been stressed by NGOs<sup>259</sup>, the disambiguation of legal procedures regarding return and deportation is necessary, especially in terms of their implementation in cases of irregular entry. Greece must retain only the standards of Law 3907/2011 (transposition of the Return Directive) of to provide a persuasive policy basis on the need to maintain a parallel framework under L. 3386/2005. Furthermore, the systematic practice<sup>260</sup> of issuing return/deportation decisions to TCNs who have already been subjected to reception and identification procedures and have already expressed their will to apply for international protection actually exclude asylum seekers from the scope of application of the Return Directive. Therefore, police authorities must have clear guidance on their duties, while detention of asylum seekers should not be used by default or mandatory for all arrivals but rather remain the exemption<sup>261</sup>.

While the general responsibility for planning and coordinating return migration policy belongs to the MMA and its semi-autonomous GAS, the police is also a key actor in the system of return migration governance, especially in what concerns administrative expulsions, return decisions, decisions on detention and the management of the detention system. Since the police authorities are organisationally independent from the MMA, it is of crucial importance to ensure their accountability in the implementation of returns and their compliance with basic guarantees.

Detention of migrants for purposes of return is extensively and arbitrarily used in various different cases, even for applicants of international protection and migrants who have registered for assisted voluntary return. The Greek Ombudsman<sup>262</sup> has provided several recommendations to substantially improve living conditions and respect to detainees' rights and dignity, including thorough medical examination of all returnees and issue of individual fit-to-travel certificates, ensuring that returnees have been informed of their rights and timely notified of the return operation, the presence of interpreters throughout the operation, sufficient supply of materials etc. The same independent authority notes that a large number of TCNs continue to be held in police stations, due to insufficient pace in detention facilities, and stresses that this is inconsistent with the duty of the Authorities to ensure decent living conditions.

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<sup>259</sup> RSA, GCR, HIAS, DRC (2021) *Observations on the Draft Law 'Reformation of procedures for deportations and returns of third-country nationals, issues of residence permits and procedures for granting international protection*. Available at: [<https://shorturl.at/coqTY>]. Accessed: 15/11/2023.

<sup>260</sup> RSA (2022) *Persisting systematic detention of asylum seekers in Greece*. Available at: [[https://rsaegean.org/wp-content/uploads/2022/06/RSA\\_LN\\_Detention\\_EN.pdf](https://rsaegean.org/wp-content/uploads/2022/06/RSA_LN_Detention_EN.pdf)]. Accessed: 12/1/2024

<sup>261</sup> UNHCR (2021) *Reform of deportation and return procedures of third country nationals etc*. Available at: [<https://www.refworld.org/docid/61eacbc24.html>]. Accessed: 20/11/2023

<sup>262</sup> The Greek Ombudsman (2022) *Return of Third Country Nationals. Special Report 2021*. Available at: [[ethsia-ekthesi-2021-eng.pdf](https://ethsia-ekthesi-2021-eng.pdf) (synigoros.gr)]. Accessed: 18/11/2023;

The Greek Ombudsman (2019) *Return of Third Country Nationals. Special Report 2018*. Available at: [<https://old.synigoros.gr/resources/english-final.pdf>]. Accessed: 20/11/2023.

However important these improvements may be, the Greek administration has to revise the use of detention which is a non-punitive administrative measure, must be a last 'resort' and alternatives to detention have to be implemented. The best interests of the child, family life and state of health of illegally staying TCNs should always be duly considered in the context of return procedures<sup>263</sup>.

The AVRR program run by IOM provides the ground for a more humane approach to return migration, with an eye on sustainable reintegration prospects in countries of origin - at least for the limited number of beneficiaries for reintegration. In order to contribute to the establishment of a genuine voluntary alternative, authorities should disassociate assisted voluntary return from detention, at least by releasing those registered for assisted voluntary return. The operation of the Open Centre for AVRR in Athens can be seen as an alternative infrastructure that improves the return process and contributes to sustainable reintegration prospects.

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<sup>263</sup> Ibid.

## 10. Conclusions

Greece has a quite long record of formal, informal, and irregular return migration policies and practices. Informal deportation practices that were taking place during the 1990s, in a period of massive migration from Albania and other Balkan countries, soon crystallised in legal provisions about ‘administrative expulsion’ as a basic tool for combatting and deterring irregular migration. When migration routes changed to include more distant countries of origin to which deportation was not feasible or was taking a long time, a prolonged and summary detention became an intrinsic part of the rationale of expulsion.

The harmonization of the national legislation with European legislation and the Return Directive did not challenge this intrinsic link among returns and detention. On the contrary, it highlighted and intensified the gaps in policy and practice, especially since the older legal framework on administrative expulsions was not abolished and remains complementary to return procedures. Thus, an ambiguity between notions, different legislation, and relevant procedures, remains an integral part of the legal landscape in the country. Additionally, the aforementioned link between detention and expulsion was not challenged even after the recent institutionalisation of returns, a trend which is evident due to the recent establishment of the Directorate of Returns and Withdrawals of the GAS, in parallel with the (re)establishment of the MMA in 2020 as well as the establishment of the position of a National Coordinator of Returns in late 2023. As a result, return and detention seem to be closely tied together in Greece and return migration policies are determined by high levels of coercion.

A similar ambiguity concerns the competent actors and their powers, as the institutional framework is characterised by both the complexity of the involved authorities.

National legislation emphasises forced return and detention, while assisted voluntary return is underdefined in legal terms. This fact, along with prioritisation of funding for forced removals as opposed to assisted return indicate that more attention is given by the authorities to the fulfilment of certain targets of removing irregular migrants and rejected applicants for international protection than to sustainable reintegration as part of a migration trajectory.

The pervasive imposition of detention in returns, as well as the pressure for more ‘efficient’ and rapid return decisions and procedures (especially at the borders), risks to seriously jeopardising the right to asylum as well as the human rights of those who are apprehended, ‘illegalised’ and detained. Furthermore, as the notion – and the practice – of returns to a ‘safe third country’ gains ground, further concerns about the rights of those ‘expulsed’ are repeatedly raised by relevant organisations.

In addition to the above, the illegal yet widespread practice of land and sea pushbacks becomes simultaneously a ‘non-existence’ practice (as it is denied by the government) and an extensively evidenced reality (according to numerous reports and investigations) which de facto violates both international refugee, humanitarian and human rights law and puts people’s lives at serious risk. Thus, both legal and administrative decisions and practices and irregular state practices need to be substantially reconsidered and challenged if respect for human and other rights is to be safeguarded. And this arguably also as a core rule of law priority, as this has pervasive effect on effectiveness of the justice system, civic space, media freedom etc.

## Appendices

### Annex I: Statistics

STATISTICS: GREECE, Latest Update: 23.12.2023																	
											Alternative 1	Alternative 2					
Year	TCNs found to be illegally present (data in Eurostat)	Asylum applications <sup>264</sup>	TCNs refused entry at the border	pushbacks	Dublin returns <sup>265</sup>	TCNs ordered to leave	TCNs returned following an order to leave	Third country unaccompanied minors returned following an order to leave	TCNs who have left to the territory by citizenship <sup>266</sup>	TCNs returned following an order to leave, by type of return <sup>267</sup>				Assisted Voluntary Return (AVR), departed migrants <sup>268</sup>	returns-departures (according to the Greek Ministry of Migration & Asylum)		
										assisted 'voluntary' return	assisted forced return	non-assisted 'voluntary' return	Total		forced		'voluntary' <sup>269</sup>
													compulsory expulsions <sup>270</sup>	border deportations <sup>271</sup>			
2015	911,470	13,205	6,890		847	104,575	14,390	N/A	N/A	N/A	N/A	N/A					

<sup>264</sup> Disparities (gaps) between Eurostat data and official national sources (Ministry of Migration & asylum)

<sup>265</sup> Data show the number of outgoing requests transferred (not requests or decisions on requests), Transfer refer to '(taking charge/taking back) which have been effectively carried out by the reporting Member State (Geo)=(Greece) to another Member State'. (see [https://ec.europa.eu/eurostat/cache/metadata/en/migr\\_dub\\_esms.htm](https://ec.europa.eu/eurostat/cache/metadata/en/migr_dub_esms.htm))

<sup>266</sup> There are disparities (gaps) in the data: for 2021, with column J; for 2020 with other Eurostat Tables

([https://ec.europa.eu/eurostat/databrowser/view/migr\\_eirt\\_ass\\_\\_custom\\_8197816/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/migr_eirt_ass__custom_8197816/default/table?lang=en)),

([https://ec.europa.eu/eurostat/databrowser/view/migr\\_eirt\\_agr/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/migr_eirt_agr/default/table?lang=en)), for 2020 (6952)-2021 (6855)-2022 (6985) in other tables

([https://ec.europa.eu/eurostat/databrowser/view/migr\\_eirt\\_agr/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/migr_eirt_agr/default/table?lang=en))

<sup>267</sup> Slight disparities between totals and sums of 3 types for 2022 & 2023

<sup>268</sup> Source: Written communication with IOM Greece for GAPs, 25 October 2023.

<sup>269</sup> Voluntary: οικειοθελής'. For the years 2019-2020 this category is called "returns" specified as "Based on the simplified readmission procedure from the northern borders of the country".

<sup>270</sup> Compulsory expulsions: 'αναγκαστικές απελάσεις'

<sup>271</sup> Border deportations: 'Επαναπροώθησεις', literally 're-forwardings'. For the years 2019-2020 this category is specified as "returns in the context of the returns directive (article 22 L. 3907/2011) following a return order with a deadline for voluntary departure, holders of a 78α certificate, withdrawal from an asylum claim.



<b>2016</b>	204,820	51,110	18,145		890	33,790	19,055	N/A	N/A	N/A	N/A	N/A	N/A	16,960 <sup>272</sup>	9,432	3,566	N/A	6,153
<b>2017</b>	68,110	58,660	21,175		4,467	45,765	18,060	N/A	N/A	N/A	N/A	N/A	N/A		9,036	4,403	N/A	5,657
<b>2018</b>	93,365	66,975	14,295		5,447	58,325	12,465	N/A	12,488	N/A	N/A	N/A	N/A		5,776	2,000	N/A	4,968
<b>2019</b>	123,025 <sup>273</sup>	77,285	7,015		2,546	78,880	9,650	N/A	N/A	N/A	N/A	N/A	N/A		3,889	979	1,184	3,854
<b>2020</b>	47,295	40,560	3,145	2,157 <sup>274</sup>	1,825	38,540	6,950	N/A	6,083	N/A	N/A	N/A	645 <sup>275</sup>	10,920 <sup>276</sup>	3,660		926	2,565
<b>2021</b>	38,015	28,355	3,075		1,549	28,815	6,855	15	6,875	2,740	3,145	995	6,880		3,276 <sup>277</sup>		1,000	2,737
<b>2022</b>	49,060	37,380	5,450		1,037	33,500	6,985	5	N/A	3,070	2,560	1,390	7,015		2,763	1,397	3,065	
<b>2023</b>								5 <sup>278</sup>		1,865	1,850	525	4,250 <sup>279</sup>		268 <sup>280</sup>		669	2497
<b>Data sources:</b>	<a href="#">eurostat</a>	<a href="#">eurostat</a>	<a href="#">eurostat</a>	<a href="#">Recording Mechanism of Infor</a>	<a href="#">eurostat</a>	<a href="#">eurostat</a>	<a href="#">eurostat</a>	<a href="#">eurostat</a>	<a href="#">eurostat</a>	<a href="#">eurostat</a>	<a href="#">eurostat</a>			IOM	<a href="#">2020-23: Greek Ministry of Migration &amp; Asylum</a> <sup>281</sup>			

<sup>272</sup> June 2016 - August 2019.

<sup>273</sup> Disparities (gaps) between Eurostat data and official national sources (Hellenic Police) for 2019 (no available data published online after that year).

<sup>274</sup> Number of alleged victims in 50 incidents of informal forced returns that occurred from April 2020 to October 2022, according to the testimonies.

<sup>275</sup> Second quarter only.

<sup>276</sup> September 2019 - August 2023.

<sup>277</sup> Data for 2021 are missing from the English version of the website, yet they do appear in the Greek version.

<sup>278</sup> First 2 quarters. For 2021 nationalities & types of return are recorded, for 2022-23 such details are not stated.

<sup>279</sup> First 3 quarters. Disparities (gaps) with annual data (column J)

<sup>280</sup> Data for 2023 cover January to November.

<sup>281</sup> All data are from the Greek Ministry of Civil Protection: Yet, 2016-19 data are downloaded from the government data repository (also available on the portal for European data), while 2020-2023 data come from the Ministry of Migration & Asylum's website (see above). All data are monthly, yet for 2016-19 annual sums are based on our calculations, while for 2020-23 (see International Protection – Appendix) we use the totals as in the reports (each month's report contains info about all previous months of the same year). The first source contains also 2020 data, which match the second source for that year; similarly, IOM returns for June 2016-August 2019 are consistent with IOM data in Column Q. However, if sums of all 3 types of returns are calculated for 2021 & 2022 quarterly, these do not much Eurostat quarterly data in Appendix 4 on which Column P data are based. The first source breaks down the 'forced' category inn 2 sub-categories: 'compulsory expulsions' and 'border deportations'.

## Annex II: List of Authorities Involved in the Migration Return Governance (Defined and Authorised by the Law)

Authority (English and original name)	Tier of government	Type of organisation	Area of competence in the fields of return	Link
Ministry of Migration and Asylum - Directorate of Returns and Withdrawals (Υπουργείο Μετανάστευσης και Ασύλου - Διεύθυνση Επιστροφών και Ανακλήσεων)	National	Government	Coordinates, monitors and participates in the planning of the management of readmission, return, deportation or relocation procedures.	<a href="https://migration.gov.gr/en/">https://migration.gov.gr/en/</a> <a href="https://migration.gov.gr/gas/dioikisi/">https://migration.gov.gr/gas/dioikisi/</a>
Ministry of Migration and Asylum – Asylum Service (Υπουργείο Μετανάστευσης και Ασύλου – Υπηρεσία Ασύλου)	National/ Regional	Government	Receives and processes international protection applications; contributes to the formulation of Greek policy on international protection; cooperates with international organisations and EU institutions	<a href="https://migration.gov.gr/en/gas/">https://migration.gov.gr/en/gas/</a>
Ministry of Migration and Asylum - Appeals Authority (Υπουργείο Μετανάστευσης και Ασύλου – Αρχή Προσφυγών)	National	Government	Examines applications for international protection at second instance, issues return decisions	<a href="https://migration.gov.gr/en/appeals/">https://migration.gov.gr/en/appeals/</a>
Ministry of Migration and Asylum – General Directorate for the Coordination and Management of Programs on Migration and Internal Affairs (Υπουργείο Μετανάστευσης και Ασύλου – Γενική Διεύθυνση Συντονισμού και Διαχείρισης Προγραμμάτων Μετανάστευσης και Εσωτερικών Υποθέσεων)	National	Government	Responsible for the coordination of the funded actions from AMIF, including those that aim at developing capacities for effective and sustainable return and reducing incentives for irregular migration	<a href="https://migration.gov.gr/dg-coordination-management-amif-isf-otherfunds/">https://migration.gov.gr/dg-coordination-management-amif-isf-otherfunds/</a>
Hellenic police - Ministry of Citizen Protection (Ελληνική Αστυνομία - Υπουργείο Προστασίας του Πολίτη)	National/ Regional	Government	Issues return and administrative expulsion decisions, implements removal operations, runs detention facilities.	<a href="https://www.astynomia.gr/?lang=en">https://www.astynomia.gr/?lang=en</a>
Department of Analysis and Documentation of the National Coordinating Centre for Border Control and Surveillance (NCCBS) - Ministry of Citizen Protection (Τμήμα Ανάλυσης και	National	Government	Monitors the process of returning migrants	<a href="https://www.minocp.gov.gr/ethniko-syntonistiko-kentro-elegchou-kai-epitirisi-synoron-eskees/diarthrosi-eskees/">https://www.minocp.gov.gr/ethniko-syntonistiko-kentro-elegchou-kai-epitirisi-synoron-eskees/diarthrosi-eskees/</a>

Τεκμηρίωσης του Εθνικού Συντονιστικού Κέντρου Ελέγχου και Επιτήρησης Συνόρων (ΕΣΚΕΕΣ) - Υπουργείο Προστασίας του Πολίτη)				
Department of International Relations of the National Coordinating Centre for Border Control and Surveillance (NCCBS) - Ministry of Citizen Protection (Τμήμα Διεθνών Σχέσεων του Εθνικού Συντονιστικού Κέντρου Ελέγχου και Επιτήρησης Συνόρων (ΕΣΚΕΕΣ) - Υπουργείο Προστασίας του Πολίτη)	National	Government	Monitors the initiatives of the competent authorities to conclude police cooperation agreements and readmission agreements with the competent authorities of other States and ensure their implementation	<a href="https://www.minocp.gov.gr/ethniko-syntonistiko-kentro-elegchou-kai-epitirisi-synoron-eskees/diarthrosi-eskees/">https://www.minocp.gov.gr/ethniko-syntonistiko-kentro-elegchou-kai-epitirisi-synoron-eskees/diarthrosi-eskees/</a>
Decentralized Administrations - Foreigners and Immigration Services (Αποκεντρωμένες Διοικήσεις -	Regional	Regional government	Receives and processes applications of TCNs	<a href="https://www.ypes.gr/apokenromeni-dioikisi-aytodioikisi/">https://www.ypes.gr/apokenromeni-dioikisi-aytodioikisi/</a>
Frontex	European	Supranational	Organises, coordinates and conducts return operations.	<a href="https://www.frontex.europa.eu/">https://www.frontex.europa.eu/</a>
Greek Ombudsman (Συνήγορος του Πολίτη)	National	Independent Authority	Monitors the system of returns to ensure transparency and protection of fundamental rights	<a href="https://www.synigoros.gr/en">https://www.synigoros.gr/en</a>
IOM Greece (Διεθνής Οργανισμός Μετανάστευσης Ελλάδας)	International	International Organisation	Organises and implements AVRR	<a href="https://greece.iom.int">https://greece.iom.int</a>
Civil society actors (Φορείς της Κοινωνίας των Πολιτών)	International/ National/ Local	NGOs, International Organisations, etc.	Provide health care and medical treatment services in the detention facilities; Mediate to inform the TCN about the return decision; Provide confirmation of the voluntary departure	
Greek National Commission for Human Rights (GNCHR) (Εθνική Επιτροπή για τα Δικαιώματα του Ανθρώπου (ΕΕΔΑ)	National	Independent Authority	Implements a Recording Mechanism of Informal Forced Returns	<a href="https://nchr.gr/en/recording-mechanism.html">https://nchr.gr/en/recording-mechanism.html</a>

**Source:** Authors' own elaboration

### Annex III: Overview of the Legal Framework on Return Policy

The Title of the Policy/Legislation in English	The Title in the Original Language	Policy Area	Date/Announced Year	Active Period	Key terms	Type of Legislation	Target Group or Immigrant Category
Law 5038/2023 "Migration Code" & its amendments	Νόμος 5038/2023 «Κώδικας Μετανάστευσης»	irregularity, border management	Published on 1/4/2023	With few exceptions it will come into effect from 31/3/2024. Last Amendment on 13.04.2023 by L. 5043/2023	return; entry ban	Law	irregular migrant, family of irregular migrant
Law 4939/2022 "Ratification of the Code on reception, international protection of third-country nationals and stateless persons, and on temporary protection in cases of mass influx of displaced migrants" & its amendments	Νόμος 4939/2022 «Κύρωση Κώδικα Νομοθεσίας για την υποδοχή, τη διεθνή προστασία πολιτών τρίτων χωρών και ανιθαγενών και την προσωρινή προστασία σε περίπτωση μαζικής εισροής εκτοπισθέντων αλλοδαπών»	general/asylum, pre-removal detention	Published on 10/6/2022	Last Amendment on 22.07.2022 by L. 4960/2022	return; return decision; detention of asylum seekers; Pre-removal detention; Forced Repatriation; Readmission of beneficiaries of temporary protection	Law	general/asylum, refugees, rejected asylum seeker
Law 4825/2021 "Reform of deportation and return procedures of third country nationals, etc."	Νόμος 4825/2021 «Αναμόρφωση διαδικασιών απελάσεων και επιστροφών πολιτών τρίτων χωρών κλπ.»	forced return, border management	Published on 4/9/2021	Last amendment on 18.03.2023 by L. 5034/2023	application of return procedures; Voluntary return; return decision;	law	irregular migrant, rejected asylum seeker
Law 4686/2020 "Improvement of the migration legislation, amendment of L. 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) and other provisions" & its amendments	Ν. 4686/2020 «Βελτίωση της μεταναστευτικής νομοθεσίας, τροποποίηση διατάξεων των νόμων 4636/2019 (Α' 169), 4375/2016 (Α' 51), 4251/2014 (Α' 80) και άλλες διατάξεις»	general/asylum, pre-removal detention	Published on 12/05/2016	Last amendment on 10.06.2022 by L. 4939/2022	return; return decision; detention	Law	general/asylum, refugees, rejected asylum seeker
Law 4636/2019 "on international protection and other provisions" & its amendments	Νόμος 4636/2019 «Περί Διεθνούς Προστασίας και άλλες διατάξεις»	general/asylum, forced return, pre-	Published on 01/11/2019	Abolished by L. 4939/2022 with few exceptions	return; return decision; detention of asylum seekers; pre-removal detention	Law	general/asylum, refugees, rejected asylum seeker

		removal detention					
Law 4540/2018 "Adaptation of Greek legislation to the provisions of Directive 2013/33/EU etc."	Νόμος 4540/2018 «Προσαρμογή της ελληνικής νομοθεσίας προς τις διατάξεις της Οδηγίας 2013/33/ΕΕ κλπ.»	general/asylum	Published on 22/5/2018	Articles 1-20 were abolished by L. 4636/2019. Last amendment by L. 4939/2022	detention;	Law	general/asylum
Law 4375/2016 "Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, etc." & its amendments	Νόμος 4375/2016 «Οργάνωση και λειτουργία Υπηρεσίας Ασύλου, Αρχής Προσφυγών, Υπηρεσίας Υποδοχής και Ταυτοποίησης κλπ.»	general/asylum	Published on 3/4/2016	Last amendment on 14.12.2022 by L. 5003/2022. Many articles (regarding the transposition of Directive 2013/32/EU) were abolished by Law 4636/2019	return; return decision; detention;	Law	general/asylum, refugees, rejected asylum seeker
Law 4251/2014 "Immigration and Social Integration Code and other provisions" & its amendments.	Νόμος 4251/2014 «Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και λοιπές διατάξεις»	irregularity	Published on 1/4/2014	It replaced the vast majority of the provisions of L. 3386/2005. From 1/1/2024 is going to be replaced by L. 5038/2023.	return; entry ban	Law	irregular migrant, family of irregular migrant
Law 4052/2012 "Law on the competence of the Ministries of Health and Social Solidarity and of Labor and Social Security for the implementation of the law "Approval of Draft Financial Facility Agreements between the European Financial Stability Fund etc."	Νόμος 4052/2012 «Νόμος αρμοδιότητας Υπουργείων Υγείας και Κοινωνικής Αλληλεγγύης και Εργασίας και Κοινωνικής Ασφάλισης για εφαρμογή του νόμου «Έγκριση των Σχεδίων Συμβάσεων Χρηματοδοτικής Διευκόλυνσης μεταξύ του Ευρωπαϊκού Ταμείου Χρηματοπιστωτικής Σταθερότητας κλπ.»	irregularity	Published on 01/03/2012	Last amendment by L. 5038/2023		Law	
Law 3907/2011 "on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC etc." & its amendments	Νόμος 3907/2011 «Ίδρυση Υπηρεσίας Ασύλου και Υπηρεσίας Πρώτης Υποδοχής, προσαρμογή της ελληνικής νομοθεσίας προς τις διατάξεις της Οδηγίας 2008/115/ΕΚ»	forced return, pre-removal detention, irregularity	Published on 26/01/2011	Last amendment on 4.9.2021 by L. 4825/2021	return, return decision; removal order; voluntary return; vulnerable persons, entry ban, detention, emergency situations	Law	irregular migrant, rejected asylum seeker

Presidential Decree 106/2007 "Free movement and residence in the Greek territory of citizens of the European Union and their family members" & its amendments	Προεδρικό Διάταγμα 106/2007 «Ελεύθερη κυκλοφορία και διαμονή στην ελληνική επικράτεια των πολιτών της Ευρωπαϊκής Ένωσης και των μελών των οικογενειών τους»	forced return	Published on 21/06/2007	Active	expulsion	Degree	
Law 3386/2005 "Entry, residence and social integration of Third Country Nationals on the Greek territory" & its amendments	Νόμος 3386/2005 «Είσοδος, διαμονή και κοινωνική ένταξη υπηκόων τρίτων χωρών στην Ελληνική Επικράτεια»	forced return, pre-removal detention	Published on 23/08/2005	Abolished by: L. 4251/2014 except for Articles 76, 77, 78, 80, 81, 82, 83, 89(1) - (3) Amended by: Law 4332/2015	detention; expulsion; readmission; illegal entry; illegal exit	Law	irregular migrant
Presidential Decree 124/1997 "Establishment of a travel document (Laissez-Passer) for TCN under removal" & its amendments	Προεδρικό Διάταγμα 124/1997 «Καθιέρωση ταξιδιωτικού εγγράφου (Laissez-Passer) για τους υπό απομάκρυνση αλλοδαπούς υπηκόους τρίτων χωρών».	forced return	Published on 03/06/1997	Active	removal	Decree	irregular migrant
Joint Ministerial Decision no. Οικ. 78391/15.02.2022 "Establishment of a national List of countries of origin considered as safe pursuant to para. 5 of Article 87 of Law 4636/2019"	ΚΥΑ υπ' αριθμ. οικ. 78391/15.02.2022 «Κατάρτιση Εθνικού Καταλόγου χωρών καταγωγής που χαρακτηρίζονται ως ασφαλείς, σύμφωνα με την παρ. 5 του άρθρου 87 του νόμου 4636/2019»	general/asylum	Published on 15/2/2022	Remains valid (Joint Ministerial Decision n. 734214/12.02.2022)	safe countries of origin		general/asylum
Joint Ministerial Decision no. 538695 "Definition of third countries characterized as safe and preparation of a national list as defined in article 91 of Law 4939/2022 (A' 111)""	Κοινή Υπουργική Απόφαση υπ' αριθμ. 538695 «Καθορισμός τρίτων χωρών που χαρακτηρίζονται ως ασφαλείς και κατάρτιση εθνικού καταλόγου κατά τα οριζόμενα στο άρθρο 91 του ν. 4939/2022 (Α' 111)»	general/asylum	Published on 15/12/2023	Remains valid	safe Third countries		general/asylum
Joint Ministerial Decision no. 458568/16.12.2021 "Amendment of no 42799/03.06.2021 Joint Ministerial Decision of the Minister of Foreign Affairs and the Minister of Migration and Asylum "Designation of third countries as safe and establishment of national list pursuant to Article 86 of Law 4636/2019 (A' 169)" (B'2425)"	Κοινή Υπουργική Απόφαση υπ' αριθμ 458568 «Τροποποίηση της υπ' αρ. 42799/03.06.2021 κοινής απόφασης των Υπουργών Εξωτερικών και Μετανάστευσης και Ασύλου «Καθορισμός τρίτων χωρών που χαρακτηρίζονται ως ασφαλείς και κατάρτιση εθνικού καταλόγου κατά τα οριζόμενα στο άρθρο 86 του νόμου 4636/2019 (Α' 169)» (B'2425)»	general/asylum	Published on 16/12/2021	Abolished by Joint Ministerial Decision no. 538695/15.12.2023	safe Third countries		general/asylum

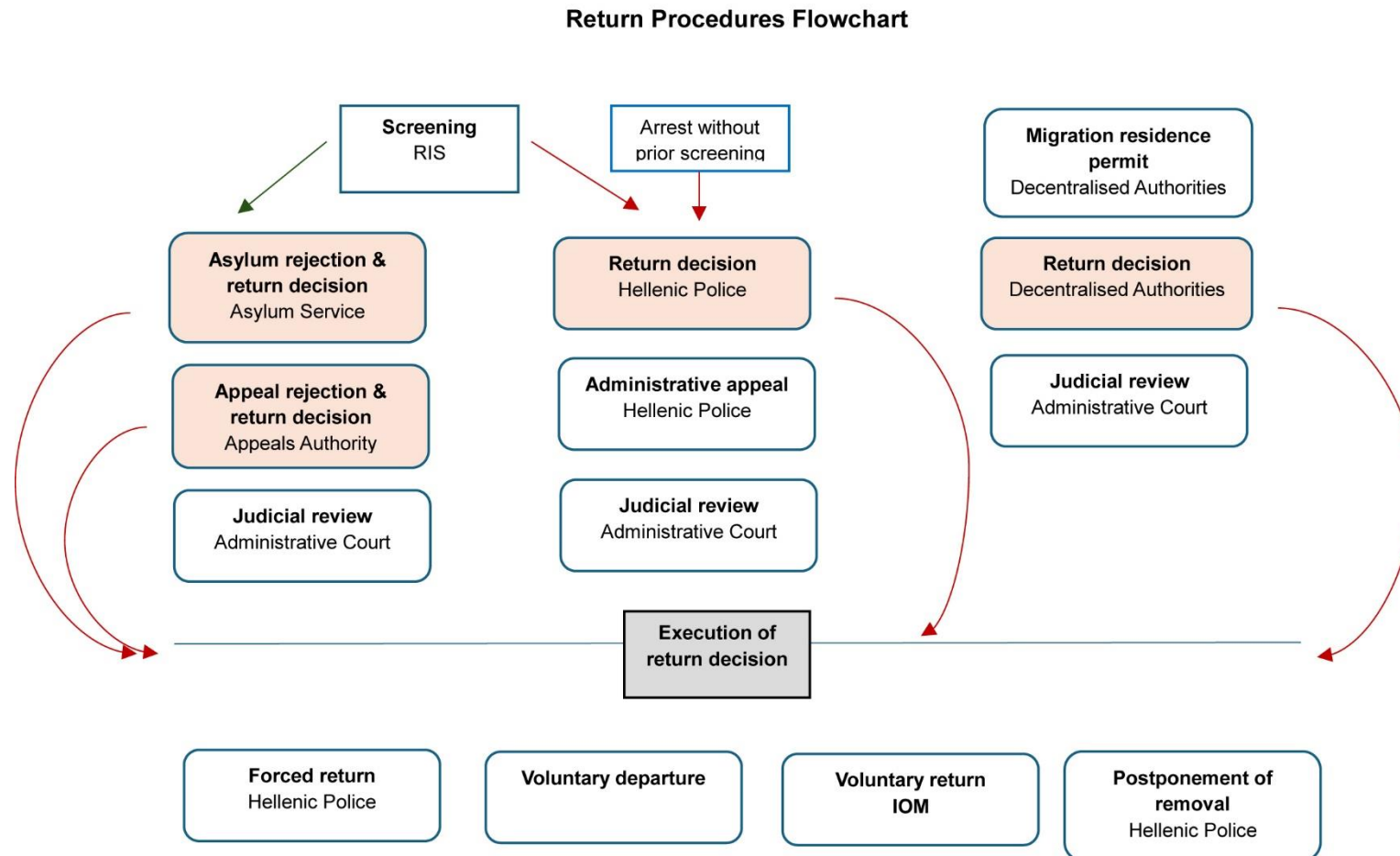
Joint Ministerial Decision no. 42799/7.6.2021 "on designation of third countries as safe and establishment of a national list pursuant to Article 86 of Law 4636/2019"	Κοινή Υπουργική Απόφαση υπ' αριθμ. 42799/7.6.2021 «Καθορισμός τρίτων χωρών που χαρακτηρίζονται ως ασφαλείς και κατάρτιση εθνικού καταλόγου, κατά τα οριζόμενα στο άρθρο 86 του νόμου 4636/2019»	general/asylum	Published on 7/6/2021	Amended by the Joint Ministerial Decision no. 458568 (16.12.2021)	safe Third countries		general/asylum
Joint Ministerial Decision no. 788/29.01.2021 "on the establishment of a national List of countries of origin considered as safe pursuant to para. 5 of Article 87 of Law 4636/2019"	ΚΥΑ υπ' αριθμ. 778/29.01.2021 «Κατάρτιση Εθνικού Καταλόγου χωρών καταγωγής που χαρακτηρίζονται ως ασφαλείς, σύμφωνα με την παρ. 5 του άρθρου 87 του νόμου 4636/2019»	general/asylum	Published on 29/1/2021	Abolished by Joint Ministerial Decision no. 78391/15.02.2022	safe countries of origin		general/asylum
Joint Ministerial Decision no. 1302/31.12.2019 "on the establishment of a National List of countries of origin characterized as safe according to with article 87 par. 5 of Law 4636/2019".	Κοινή Υπουργική Απόφαση υπ' αριθμ 1302/31.12.2019 «Κατάρτιση Εθνικού Καταλόγου χωρών καταγωγής που χαρακτηρίζονται ως ασφαλείς σύμφωνα με το άρθρο 87 παρ. 5 του νόμου 4636/2019».	general/asylum	Published on 31/12/2019	Replaced by Joint Ministerial Decision no. 788/29.01.2021	safe countries of origin		general/asylum
Joint Ministerial Decision no. 82136/11.02.2022 "Amendment of the joint ministerial decision 8038/23/22-1γ'/20-01-2015 "Establishment and operation of Pre-removal Detention Centers for aliens and Regulation of their Operation"	ΚΥΑ υπ' αριθμ. 2136/11.02.2022 «Τροποποίηση της υπό στοιχεία 8038/23/22-1γ'/20-01-2015 κοινής υπουργικής απόφασης «Ίδρυση και λειτουργία Προαναχωρησιακών Κέντρων Κράτησης Αλλοδαπών και Κανονισμός Λειτουργίας αυτών»	pre-removal detention	Published on 11/02/2022	Active	Pre-removal Detention Centers		general/asylum, irregular migrant
Joint Ministerial Decision n. 8038/23/22-1γ/21.1.2015 "Establishment and functioning of Pre-removal Centres of Detention of Aliens, and their regulations"	Κοινή Υπουργική Απόφαση υπ' αριθμ. 8038/23/22-1γ/21.1.2015 «Ίδρυση και λειτουργία Προαναχωρησιακών Κέντρων Κράτησης Αλλοδαπών και ρυθμίσεις αυτών»	pre-removal detention	Published on 21/1/2015	Amended by Joint Ministerial Decision no. 82136/11.02.2022	Pre-removal Detention Centers		
Presidential Decree 53/2008 "Adaptation of Greek legislation to the provisions of Directive 2004/82/EC of the Council of the European Union of 29 April 2004 (EEL 261/24 of 6.8.2004), on the obligation of carriers to communicate passenger data"	Προεδρικό Διάταγμα 53/2008 «Προσαρμογή της Ελληνικής νομοθεσίας προς τις διατάξεις της Οδηγίας 2004/82/ΕΚ του Συμβουλίου της Ευρωπαϊκής Ένωσης της 29ης Απριλίου 2004 (ΕΕΛ 261/24 της 6.8.2004), σχετικά με την υποχρέωση των αερομεταφορέων να κοινοποιούν τα στοιχεία των επιβατών»		Published on 9/05/2008	Active		Decree	

Presidential Decree 54/2007 "Assistance during the removal by air of nationals of third countries Directive 2003/110/EC"	Προεδρικό Διάταγμα 54/2007 «Συνδρομή κατά τις απομακρύνσεις δια της αεροπορικής οδού υπηκόων τρίτων χωρών Οδηγία 2003/110/ΕΚ»	forced return	Published on 13/03/2007	Active	removal	Decree	irregular migrant
Presidential Decree 214/2004 "Adaptation of Greek legislation to Council Directive 2001/40/EC of 28 May 2001) on the mutual recognition of decisions on the removal of third-country nationals"	Προεδρικό Διάταγμα 214/2004 «Προσαρμογή της ελληνικής νομοθεσίας στην Οδηγία 2001/40/ΕΚ του Συμβουλίου της 28ης Μαΐου 2001 (ΕΕ L 149) για την αμοιβαία αναγνώριση αποφάσεων απομάκρυνσης υπηκόων τρίτων χωρών»	forced return	Published on 15/10/2004	Active	removal	Decree	irregular migrant
Joint Ministerial Decision no. 4000/4/46-α' /27.07.2009 «on specifying details for the execution of administrative and judicial decisions to deport aliens»	Κοινή Υπουργική Απόφαση υπ' αριθμ. 4000/4/46-α' /27.07.2009 «Καθορισμός λεπτομερειών για την εκτέλεση διοικητικών και δικαστικών αποφάσεων απέλασης αλλοδαπών»	forced return	Published on 27/7/2009	Active			
Joint Ministerial Decision no. 4000/4/32-v' /2017 «on the amendment of no. 4000/4/32-λα' from 05-10-2012 of joint ministerial decision "Definition of the criteria and the procedure for the registration and deletion of aliens from the National List of Undesirable aliens" (B' 2805).	Κοινή Υπουργική Απόφαση υπ' αριθμ. 4000/4/32-v' /2017 «Τροποποίηση της υπ' αριθ. 4000/4/32-λα' από 05-10-2012 κοινής υπουργικής απόφασης «Καθορισμός των κριτηρίων και της διαδικασίας για την εγγραφή και διαγραφή αλλοδαπών από τον Εθνικό Κατάλογο Ανεπιθύμητων Αλλοδαπών»	forced return	Published on 31/03/2017	Active	National List of Undesirable aliens		irregular migrant
Joint Ministerial Decision n. 4000/4/32-λα' "Definition of the criteria and the procedure for the registration and deletion of aliens from the National List of Undesirable Aliens"	Κοινή Υπουργική Απόφαση υπ' αριθμ. 4000/4/32-λα' «Καθορισμός των κριτηρίων και της διαδικασίας για την εγγραφή και διαγραφή αλλοδαπών από τον Εθνικό Κατάλογο Ανεπιθύμητων Αλλοδαπών»	forced return	Published on 17/10/2012	Amended by Joint Ministerial Decision no. 4000/4/32-v' /2017	National List of Undesirable aliens		irregular migrant
Joint Ministerial Decision no. 3/5023/ 15.9.2015 "on the establishment of an Open Accommodation Structure in the Attiko Alsos area of the Municipality of Athens Attica for unforced return applicants"	Κοινή Υπουργική Απόφαση υπ' αριθμ. 3/5023/15.9.2015 «Σύσταση Ανοιχτής Δομής Φιλοξενίας Αιτούντων Εθελούσιας Επιστροφής στην περιοχή Αττικού Άλσους του Δήμου Αθηναίων Αττικής»	assisted return	Published on 15/09/2015	Active	assisted return		N/A



Joint Ministerial Decision 53619/735/7.12.2015 "Determining the terms and conditions for access to the labor market of third-country nationals who remain in the country under a status of postponement of removal"	Κοινή Υπουργική Απόφαση 53619/735/7.12.2015 «Καθορισμός των όρων και των προϋποθέσεων για την πρόσβαση στην αγορά εργασίας πολιτών τρίτων χωρών που παραμένουν στην χώρα υπό καθεστώς αναβολής απομάκρυνσης»	forced return	Published on 7/12/2015	Active	removal		irregular migrant
Law 5078/2023 on "Reform of occupational insurance, streamlining of insurance legislation, pension arrangements, appointment and recruitment system of teachers of the Public Employment Service and other provisions"	Νόμος 5078/2023 «Αναμόρφωση επαγγελματικής ασφάλισης, εξορθολογισμός ασφαλιστικής νομοθεσίας, συνταξιοδοτικές ρυθμίσεις, σύστημα διορισμού και προσλήψεων των εκπαιδευτικών της Δημόσιας Υπηρεσίας Απασχόλησης και λοιπές διατάξεις»	forced return	Published on 20/12/2023	Active	return	Law	N/A
Circular No. 1 "Implementation of provisions of Law 4825/2021"	Εγκύκλιος υπ' αριθμ. 1 «Εφαρμογή διατάξεων του ν. 4825/2021»	forced return	Issued on 12/11/2021	Active	voluntary return, remedies, issuance of decisions	Circular	irregular migrant

### Annex IV: Flowchart of the National Return System



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