



ACCESS

The Role of Courts in Shaping Access to Asylum

GREECE NATIONAL REPORT

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INTRODUCTION: OBJECTIVES OF ACCESS

The research project “Gatekeepers to International Refugee Law? – The Role of Courts in Shaping Access to Asylum” [ACCESS](#) investigates the role of courts in shaping access to asylum. It seeks to understand how courts globally interpret State-developed barriers in light of the Refugee Convention (RC) and other international norms, what socio-legal factors influence asylum access adjudication, and how the emerging jurisprudence shapes international refugee law (IRL) and migration governance.

ACCESS adopts a comparative approach as it relies on data collected from 19 countries, theoretically selected to cover all geographical regions, various legal systems and adjudication models, and different forms of participation in the international refugee law regime.¹

Given the comparative and socio-legal approach of the project, our goal is to collect data through multiple methods that guarantee comparability, comprehensiveness, and reliability of the data.

The data collection template, along with the explanatory guidance used for the preparation of this National Report, can be found at: Lacchei, Alice; Lambertini, Sara Mariella; McDonough, Paul; Moraru, Madalina; Reyhani, Adel-Naim; Scissa, Chiara (2026) National Report ACCESS Project Template. DOI: 10.6092/unibo/amsacta/8984

In addition, the summaries of the judicial decisions analysed in Part II of this National Report and cited throughout this document can be found at: Lacchei, Alice; Lambertini Martinez, Sara Mariella; McDonough, Paul; Moraru, Madalina; Reyhani, Adel-Naim; Scissa, Chiara; Jesudoss, Loretta Mary (2026) ACCESS Mid-Term Dataset: The Role of Courts in Shaping Access to Asylum. University of Bologna. DOI 10.6092/unibo/amsacta/8962. [Dataset]

DEFINING TERMS

‘Asylum’ denotes the protection a state grants on its territory to non-citizens who seek it. It includes a legal status that protects against refoulement and provides a right to stay. In several jurisdictions, e.g. those that do not have domestic asylum legislation, this status might not be labelled ‘asylum’. The research nevertheless includes such equivalent protection under the term ‘asylum’. Similarly, if a national system that includes an asylum status provides additional protection statuses that include a set of rights closely similar to those the 1951 Convention provides for refugees lawfully staying, the research includes those statuses under ‘asylum’.

‘Accessing asylum’ describes using legal and practical avenues to move towards the territory of potential host states, or to enter procedures and other arrangements for obtaining such status (labelled as asylum or not) implemented by a state or on its behalf. Territorial asylum processing (sometimes referred to as refugee status determination or RSD) itself or equivalent practices, however, are not studied here.

‘Barriers to accessing asylum’ refers to measures, arrangements, approaches, implementation practices, or structures that impede access to asylum. They can be implemented by state actors and others (if tolerated by the state); be of a practical or legal character; incorporate socioeconomic and cultural elements; and pertain to administrative or judicial spheres. Barriers implemented after the formal start of territorial asylum processing can be considered, if the processing is conducted as a sham or pretence rather than allowing effective access to asylum.

‘Pushbacks’ denote the removal or non-admittance of individuals trying to access asylum, without a substantive assessment of risks or potential rights violations. They can occur both on land and sea, including on international waters.

¹ Australia; Kenya, South Africa, Tunisia (Africa); Austria, Greece, Italy, Poland, Spain (Europe); India, Malaysia, Pakistan, Türkiye (Asia); Argentina, Brazil, Chile, Ecuador, Mexico (Latin America), USA.

‘Pullbacks’ are the dragging back of individuals approaching a destination state to the territory of a state from which they had departed without a substantive assessment of risks or potential rights violations. Such practices are often implemented in cooperation between two or more countries. While typically practiced at sea, such as in the territorial waters of the state of departure, pullbacks can also occur on land.

‘Walls and fences’ include physical barriers that prevent access to territory at or near borders, irrespective of the specificities of the construction or the materials used.

‘Detention’ is the imprisonment or other limitations of the right to liberty and security of person of individuals, territorially or extraterritorially, in connection with their asylum accessing.

‘Externalization of asylum processing’ denotes outsourcing procedures and transferring individuals to other jurisdictions to assess protection claims. Under such a practice, for example, potential destination states disallow asylum procedures on their territory, dismiss the corresponding applications, and deport individuals to cooperating countries. Externalized asylum processes can be based on formal and informal agreements between states.

‘Procedural barriers’ refers to any administrative practice or arrangement which, after individuals (attempt to) claim asylum, impedes the formalization of the application or the commencing of a procedure for obtaining asylum. This barrier can, for example, take the form of sham processes or (fast-track) processes based on the safe third country or safe country of origin concept, or a lack of mechanisms for ensuring appointments at registration offices.

‘Judicial or quasi-judicial body’ is the body that reviews/assesses the legality of the decisions, actions, or omissions of state authorities. This term encompasses the wide range of institutions adjudicating asylum barriers, including government/executive bodies, UNHCR, etc.

‘First instance judicial or quasi-judicial body’ is a court, tribunal, or other quasi-judicial body that hears appeals against administrative or executive decisions. ‘Second instance judicial or quasi-judicial body’ is a court or tribunal or other body that hears appeals against decisions made by a first instance judicial or quasi-judicial body. ‘Third instance judicial or quasi-judicial body’ is a court or tribunal (possibly a constitutional court) or another body that hears onward appeals, i.e., appeals against decisions already made by a judicial or quasi-judicial body of at least a second instance. In some jurisdictions there might be further levels of appeal.

‘Legal system’ refers to deeply rooted, historically conditioned attitudes about law’s nature and role, the legal system’s organization and functioning, and how the law is developed, applied, and interpreted (Merryman, 1985). The most common legal systems are the common law, civil law, Islamic, indigenous and socialist legal traditions (idem).

‘Asylum access adjudication’ refers to judicial examination and review by courts or quasi-judicial bodies of administrative decisions made by executive or immigration authorities regarding asylum.

‘Socio-legal factors’ refer to macro, meso, and micro factors influencing asylum access adjudication in the selected jurisdictions. They can originate at the macro level (state), at the meso level (judicial or quasi-judicial body), and at the micro level (individual). For example, adjudication may be influenced by the level of independence of the judiciary (macro factor) or the specialization of the asylum adjudication system (e.g., specialized courts); or availability of judicial or quasi-judicial bodies resources such as time, funds, human resources (meso factors); or individual characteristics of the actors involved, such as background or gender of adjudicators (micro factors).

‘Judicialization of politics’ refers to the increasing reliance on courts and judicial means for addressing core moral, political, and public policy questions (Hirschl 2013). For an overview of the meanings of judicialization, please refer to Hamlin and Sala (2018), who trace various forms in which judicialization of politics can occur (e.g., expanding the jurisdiction of courts, judicial activism, or due to the large number of cases decided by courts).

'Forced migration' refers to 'a migratory movement which, although the drivers can be diverse, involves force, compulsion, or coercion' (IOM, 2019:77). Although it is not an international legal concept and the use of the term is debated because of the controversial dichotomy of voluntary/forced movements, in this report we refer to forced migration including the movement of refugees and asylum seekers, as well as other displaced persons (including those displaced by disasters or victims of human trafficking) who will not attempt to lodge an asylum application. When referring to 'other displaced persons', we mean those forced migrants who are not registered as asylum seekers or refugees, etc., despite being present in the country.

1. **Functioning:** What is the barrier's specific functioning? How does it prevent individuals from accessing asylum?
2. **Time:** What is the implementation period of the barrier? Is it still in use? Is there a time frame for its planned termination?
3. **Place:** Where is the barrier implemented?
4. **Actors:** Who are the key institutional and other actors implementing the barrier? Are there relevant actors from other jurisdictions or international actors?
5. **Interaction:** How does the barrier interact with other barriers and the country's asylum system?
6. **Development:** What has been the historical and political context for introducing the barrier, and how have its implementation and its character developed over time? (Please consider e.g. corruption, economic or human resources available to implement the barrier, resistance or support by local actors - officials or local community)
7. **Rationale:** What are the stated purposes (e.g., in legislative preambles, government/executive, or judicial statements) the barrier is designed to serve?
8. **Legal Status:** What legal status does the national legal framework provide to individuals prevented by this barrier from accessing asylum? For example, do they fall under a specific (protected or unprotected) category within national law, such as asylum seekers or refugees before formal recognition, or are they treated under the general framework for non-citizens?
9. **Specific Impact:** What is the impact of the barrier on specific groups, such as children, women, LGBTQ+ individuals, or people with disabilities? How does it differ from the barrier's general impact?
10. **Reach:** How many individuals have been affected by this barrier since 2010, both in absolute numbers and relative to the number of procedures for determining protection status in the same period? Has the barrier contributed to less movement of displaced persons towards the country? Please provide an informed estimate if reliable statistics or studies are unavailable.
11. **Source:** What is the legal basis or source of the barrier? Is it grounded in or approved by domestic, international, or supranational law (even if its legality might be contested)?
12. **Justification:** What justifications have the government/executive branch provided for the barrier? Are there official statements or documents that outline these justifications?
13. **Domestic and International Reactions:** What have been the reactions or interventions from domestic actors, international bodies, or other countries?
14. **Externalization:** How does the barrier outsource migration control functions to actors outside the jurisdiction?
15. **Technology:** How does the barrier draw on technological infrastructure or tools to fulfil its functioning?
16. **Other:** Any further information considered crucial for understanding this barrier to accessing asylum and its relevance.

PART 1: BARRIERS TO ACCESSING ASYLUM²

I. IDENTIFYING BARRIERS

This section identifies the barriers to accessing asylum relevant to Greece between 2010 and 2024.

A. Barriers of general relevance

Which of these barriers are implemented in this jurisdiction?

Pushbacks: ☒

Pullbacks: ☒

Walls and fences: ☒

Detention: ☒

Procedural barriers: ☒

B. Barriers of specific relevance to this jurisdiction

What barriers, besides those listed under A, are implemented in this jurisdiction? Please provide a title and a brief definition.

Barrier 1: Criminalisation of irregular entry

II. UNDERSTANDING BARRIERS

A. Barriers of general relevance

Pushbacks

Summary: Pushbacks in Greece have occurred systematically since 2008 and have increased since 2020. Reports and allegations refer to pushbacks at the border with Türkiye, along the Evros river, and at the land border. In addition to pushbacks occurring directly when migrants cross the border, reports document summary unlawful returns at the borders, often in combination with informal detention. These summary returns are informal and conducted by the Greek border police, and they often include violence and informal detention of migrants in case they are stopped after crossing the border. Additionally, summary returns to asylum seekers have been reported from the Reception and Identification Centre in Evros. Additionally, pushbacks and summary returns occur in the Aegean Sea and from the Greek islands, such as Samos and Lesbos. Finally, some NGOs documented summary returns from the mainland to migrants irregularly staying in Thessaloniki and the areas nearby, subject to detention and informally returned to Türkiye, without the possibility of accessing asylum.

Pushbacks at land and sea

1. *Functioning:* Pushbacks at Greece's **land borders, particularly in the Evros region**, have become a systemic issue, with reports indicating they are a de facto general policy³. The land border between Türkiye and Evros, as well as the Evros River, is characterized by systematic violence, primarily documented by several actors and institutions (BVMN 2024). As regards pushbacks and summary returns at the Evros border, Greek authorities have been accused of forcibly returning migrants and asylum seekers to Türkiye,

² We would like to thank *Equal Legal Aid* (ELA) for the valuable feedback and comments received on the report.

³ Koros D. (2021) 'The Normalization of Pushbacks in Greece: Biopolitics and Racist State Crimes', *State Crime Journal*, 10(2). <https://doi.org/10.13169/statecrime.10.2.0238>

sometimes even from urban areas and detention centres. More precisely, pushbacks have occurred through a systematic and often violent process involving informal arrests, detention, abuse, and forced returns. Reports from human rights organizations, journalists, and legal practitioners describe several key methods used by Greek authorities, including informal arrest and detention (also in secret detention facilities)⁴. According to these sources, Greek police or border guards often intercept migrants and asylum seekers entering Greece through Evros. They are informally arrested, meaning there is no official registration or documentation of their presence in Greece. Arrests happen not only at the border, but there are also reports of pushbacks from urban areas, reception centres, and even formal detention facilities⁵. Many asylum seekers report being held in unofficial or secret detention sites near the border. They are often denied legal representation, food, water, and medical care⁶. Reports detail instances of physical violence, degrading treatment, and even theft, where officers allegedly confiscate migrants' phones, money, and documents⁷. According to a 2022 journalistic investigation, Greek authorities allegedly use foreigners, often migrants themselves, to execute pushbacks. These individuals are reportedly forced to participate in capturing and transporting other migrants back to the border⁸. After abuses and informal detention, migrants are subject to forced return to Türkiye. Migrants are typically transported in unmarked vans to areas near the Evros River, which forms the border between Greece and Türkiye. They are then forced into boats or dinghies, sometimes piloted by the coerced migrant obliged to participate in pushbacks. In most cases, they are taken directly or forced across to the Turkish side or to islets in the river. This second practice is increasingly used by Greek border police: the BMVN reports that since 2019, migrants have been stranded on small islets as part of the pushback procedure. More precisely, they reported that among the "163 testimonies collected since 2019, a total of 35 (21.5% of all those collected) refer to transit groups being stranded on these islets; affecting approximately 2,450 individuals"⁹. In addition to these completely informal pushbacks occurring at the border, the BVMN states that in the Evros region, migrants have been subject to pushbacks from the **Reception and Identification Centre (RIC)** of Fylakio after expressing their intention to seek asylum, without being given the opportunity to register their asylum application¹⁰. According to the law, individuals entering Greece through the Greek-Turkish land border in Evros, once detected, are officially arrested by the authorities and subjected to reception and identification procedures at the Reception and Identification Centre (RIC) of Fylakio. In 2023, the Greek Asylum Service registered 7,376 asylum applications at the Fylakio Reception and Identification Centre (RIC) in Evros. However, the registered number of entries underrepresents the actual number of people entering Greek territory, considering the systematic reporting of pushback also from the RIC of Fylakio¹¹. Migrants and refugees face severe mistreatment, including being hunted, detained, tortured, and forcibly returned across the river by border guards, or left stranded on islets for extended periods. A militarized buffer zone, equipped with guard stations, watchtowers, and fences, lines both sides of the river, restricting access to monitors, researchers, and medical professionals. Survivors report having their phones, documents, and belongings seized and often discarded into the river, limiting the evidence of these brutal practices from reaching the outside world¹².

In addition to pushbacks at the land border, especially since March 2020 - with the failure of the externalization policy in Türkiye (see "Externalization") - NGOs, journalists, and academics have reported

⁴<https://www.hrw.org/news/2018/12/18/greece-violent-pushbacks-Turkiye-border>; https://nchr.gr/images/English_Site/PROSFYGES/GNCHR-Statement-on-the-reported-practices-of-push-backs.pdf; <https://www.amnesty.org/en/documents/eur01/2077/2020/en/>; https://www.proasyl.de/wp-content/uploads/2015/12/PRO_ASYNC_Report_Pushed_Back_english_November_2013.pdf; <https://gcr.gr/wp-content/uploads/ReportZ08032018.pdf>

⁵ <https://www.borderviolence.eu/uploads/document/file/465/Violence-Within-State-Borders-Greece-1.pdf>

⁶ <https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks>

⁷ <https://www.amnesty.org/en/wp-content/uploads/2021/07/EUR2543072021ENGLISH.pdf>

⁸ <https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks>

⁹ <https://borderviolence.eu/app/uploads/BVMN-Islets-Interim-Measures-and-Illegal-Pushbacks-Greece-2022.pdf>

¹⁰ <http://borderviolence.eu/app/uploads/BVMN-Islets-Interim-Measures-and-Illegal-Pushbacks-Greece-2022.pdf>

¹¹ https://gcr.gr/wp-content/uploads/EN-GCR_-Pushback-Report.pdf

¹² <https://forensic-architecture.org/investigation/the-evros-meric-river-a-century-of-border-design>

increased **pushbacks in the Aegean Sea**¹³. More precisely, they documented the increasing practice of abandoning asylum seekers at sea, often referred to as “drift-backs” by the Hellenic Coast Guard¹⁴. This practice has become a routine occurrence across the Aegean, frequently leading to injuries and drownings. The scale and severity of these incidents continue to escalate, with reports now emerging from the Greek mainland and as far south as Crete¹⁵. These “drift-backs” are undeniably illegal, violating international protocols that guarantee the fundamental rights to seek asylum and maritime rescue. Entire maritime zones, including militarized islets and uninhabited rocks, remain inaccessible to civilians and are controlled exclusively by the military and Coast Guard. Rescuers, activists, and journalists documenting human rights abuses face criminalization and intimidation, while intercepted migrants have their phones confiscated and destroyed before being forcibly disappeared. The Hellenic Coast Guard strategically exploits sea currents to expel asylum seekers without entering Turkish waters. By using the natural geography of the Aegean—its currents, winds, waves, and remote islands—authorities distance themselves from the immediate consequences of these actions, creating a layer of plausible deniability¹⁶. According to NGOs and other bodies active in protecting migrants’ and refugees’ rights in Greece, this practice led to severe incidents causing deaths. Among the most severe incidents is that of the Pylos shipwreck, in which 650 people lost their lives¹⁷. After been rescued, the survivors were detained¹⁸.

NGOs monitoring pushbacks and violence at the border reported that the pushbacks have been conducted since 2020 against people reaching **the Greek islands**. They reported violence and pushbacks from Greek islands, and particularly from Lesbos and Samos where people stay hidden in the bushes for several days without food or water for the fear of being found and pushed back by the Greek authorities¹⁹.

BVMN reports that migrants **in Thessaloniki and the areas nearby** have been subject to a Greek policy operation targeting, reading areas of the city and informal settlements to arrest irregular migrants. These police operations had the outcome of detention and deportation, strengthening the system of pushbacks in the country, especially in combination with significant barriers to formalizing asylum applications since the end of 2020 (see procedural barriers)²⁰. This means that people who have an irregular status in the country because they were not able to register their asylum application have been arrested, detained, and deported without the possibility of accessing international protection.

2. *Time*: Pushbacks at sea and land by Greece to Türkiye **have been documented since 2008**²¹. Scholars and experts, however, argue that this practice became **standardized and widespread after 2015** (Greek Council for Refugees 2018). Covid-19 and then the end of returns to Türkiye under the EU-Türkiye deal in March **2020** concurred in **exacerbating these practices**. Since 2020, the BVMN and other monitoring bodies have reported new forms of practices adopted in pushbacks, such as “drift-backs” in the Aegean Sea or abandoning migrants in islets in the Evros river. Finally, since 2022, they reported summary returns after police operations targeted irregular migrants in Thessaloniki and the surrounding area.

3. *Place*: Pushbacks at land mainly occur in the **Evros region**, in proximity to the border with Türkiye. It occurs at the land border and along the Evros River. The **Evros river** delineates the border between Greece and Türkiye along its full length (approximately 200 km), except for a 12.5 km-long part between the village of Kastanies and the city of Adrianoupoli. The river is a natural border, reinforced by the construction of a fence, built in 2022 and extended last year, now 75 km long (see the section ‘interaction’).

¹³<https://forensic-architecture.org/investigation/drift-backs-in-the-aegean-sea>

¹⁴ AIDA (2024). Annual Report: Greece.

¹⁵<https://aegean.forensic-architecture.org/>

¹⁶ AIDA (2024) Annual Report: Greece

¹⁷<https://rsaagean.org/en/for-tempi-train-crash-a-call-by-lawyers-and-organisations-representing-the-survivors-of-the-pylos-shipwreck/>

¹⁸<https://rsaagean.org/en/one-month-after-the-shipwreck-in-pylos/>

¹⁹ <https://www.msf.org/fear-beatings-and-pushbacks-people-seeking-safety-greek-island-samos>

²⁰ https://borderviolence.eu/uploads/document/file/358/Police_ops2023.pdf

²¹<https://www.hrw.org/report/2008/11/26/stuck-revolving-door/iraqis-and-other-asylum-seekers-and-migrants-greece/Türkiye>.

Additionally, in the Evros region, cases of pushbacks are reported from the **RIC of Fylakio**²². Regarding the **Aegean Sea**, according to the 2024 Aegean Boat report, pushbacks at sea mainly occur around **Lesvos and Samos** (68,3% of pushback cases reported in the Aegean Sea in 2024). However, they have recently expanded to the south. A significant number of cases were registered in Chios and Rhodes. Finally, as mentioned, NGOs such as the BVMN reported summary returns to Türkiye after police operations in Thessaloniki targeting irregular migrants.

4. *Actors*: Several actors are involved in pushbacks. The Hellenic Coast Guard is primarily involved in pushbacks at the Aegean Sea. Additionally, many sources have documented the complicity in these pushbacks of Frontex, although Greek authorities and the EU have denied the agency's responsibility²³. Reports also state that migrants are subjected to physical violence in Greek islands, which is part of the pushback practice, which is not only perpetuated by border police and the Hellenic Coast Guard, but also by far-right movements²⁴. The Greek border police are directly involved in **pushbacks in the Evros region**. Additionally, BVMN documented the participation of far-right movements in violence and pushbacks in Evros²⁵. As reported by BMVN (2024: 11), noon after the election of the New Democracy administration in 2019, the military was accorded responsibilities for coordinating and overseeing border and migration management at the national level. A National Coordinator role and an Integrated Border Surveillance Authority (ENFES) responsible for 'the control and surveillance of the land and sea borders of the Greek Territory' were established under the Ministry of National Defence. Soon after, the police and army started joint patrols at the Evros border. During the events of March 2020, the military was fully involved in border control activities, such as patrols and checks on main roads. Joint patrols continued after March 2020, although the role of national coordinator and the Integrated Border Surveillance Authority were abolished and their functions reintegrated into civilian structures in July 2022. The EU has a role, especially through **Frontex**, whose involvement in pushbacks at sea lead to some investigations of the agency's involvement. Then, the EU is indirectly involved through funding for border management, especially after 2020. The EU has supported Greece in the containment of migrant crossings with 700 million euros in assistance and deploying coast guard vessels, two helicopters, other aircraft, three thermovision vehicles, and 100 border guards in addition to the 530 Frontex guards already in the zone (Editorial staff France 24 2020).

5. *Interaction*: The practice of pushback in the Evros region intersects with the barrier of **illegal detention**. Indeed, people subject to pushbacks at land or along the Evros river are often detained illegally, without being registered by Greek authorities, before being forcibly returned to Türkiye. Additionally, pushbacks at the Greek-Turkish border strongly relate to the recently built **fence**. Indeed, the fence, without proper checkpoints (see section 'wall and fences') and the related surveillance technology, is an instrument facilitating pushbacks (see paragraph 'technology'). Pushbacks at the Aegean sea and in Greek islands are partially related to pullbacks, since according to the Aegean border Coast, the Turkish Coast Guard intercepted more than 2600 boats at sea (see section 'pullbacks'). Additionally, as mentioned, pushbacks at sea and, in particular, drift-back practice significantly increased after March 2020, when Türkiye stopped accepting return asylum seekers under the EU-Türkiye deal (see section "**Externalization**"). In the case of summary returns from Greek islands, asylum seekers are also subject to de facto detention before sending them back, through the "drift-backs" practice. Finally, pushbacks intersect with the **criminalization of human rights defenders and organisations**. As reported by AIDA, in May 2022, four organizations were investigated for alleged involvement in smuggling networks after reporting the location of newly arrived migrants in Greece. Although no investigations occurred the following year, this created a hostile environment and fear of criminalization among human rights defenders. AIDA also states that on July 29, 2023, two NGOs in Lesvos were targeted by Greek Police, leading to discussions about smear campaigns against HRDs, as no NGO members had been prosecuted. In January 2023, charges

²² <https://borderviolence.eu/app/uploads/BVMN-Islets-Interim-Measures-and-Illegal-Pushbacks-Greece-2022.pdf>

²³ <https://www.lighthousereports.com/investigation/frontex-the-eu-pushback-agency/>

²⁴ <https://www.msf.org/fear-beatings-and-pushbacks-people-seeking-safety-greek-island-samos>

²⁵ <https://borderviolence.eu/app/uploads/Evros-Fires-2023-BVMN-Statement-5.pdf>

against 24 HRDs helping migrants in distress at sea were dropped, but concerns remained about the criminalization of life-saving work. Prosecutions of activists continued in 2022 and 2023, with the founders of the Greek Helsinki Monitor and Aegean Boat Report facing charges. On June 2, 2023, the Asylum Campaign called for an end to the prosecution of HRDs and the investigation of illegal redeployments. On September 11, 2023, the Athens Bar Association clarified that lawyers providing legal aid to asylum-seeking third-country nationals (TCNs) are bound by confidentiality and cannot be considered as assisting in unlawful entry. The Association emphasized the importance of legal assistance for TCNs and the protection of lawyer-client communications²⁶.

6. *Development*: As documented by ECCHR²⁷, the practice of pushbacks—illegal expulsions of migrants and asylum seekers without due process—has a long history in Greece, particularly at the Evros land border. Reports date back to at least 1999 when international monitors first documented cases of migrants being forcibly returned to Türkiye without registration. Over the years, various human rights organizations, the UNHCR, and the Council of Europe (CoE) have consistently raised concerns about Greece’s systematic use of pushbacks by land and sea. By the early 2000s, evidence of pushbacks included forced river crossings under dangerous conditions and the denial of legal protections. In 2013, the CoE Commissioner explicitly called for an end to these expulsions, and Frontex acknowledged receiving reports of such violations. Throughout the 2010s, multiple investigations by NGOs, journalists, and legal bodies confirmed widespread pushbacks, often involving masked officers in military-style uniforms, the confiscation of migrants’ belongings, and physical violence. Pushbacks escalated significantly in March 2020 after Türkiye announced its border with Greece was open, prompting thousands of migrants to attempt entry, also in combination with COVID-19²⁸, which represented a relevant conjunction, together with the 2019 elections, to suspend asylum applications and deploy military forces to prevent crossings.

7. *Rationale*: The rationale for pushbacks is to limit access to the territory or access to asylum through summary returns to asylum seekers.

8. *Legal Status*: People subject to pushbacks are often third-country nationals not registered by Greek authorities. Some of them are intercepted at the border, and they do not have a legal status in Greece. Others are targeted by police operations while reaching the mainland, particularly Thessaloniki, and pushed back despite their legal status, including irregular migrants and those already registered for the asylum appointment.

9. *Specific Impact*: NGOs documented pushbacks of vulnerable groups, including pregnant women and children. For instance, violence by the Greek authority affects children and pregnant women in Samos and Lesbos, where they are forced to be hidden in the forest to escape police authority and avoid being beaten and pushbashed back²⁹. The same has been documented in the forest in the Evros region³⁰.

10. *Reach*: The Hellenic Police reported that more than 230,000 people were “prevented” from entering Greece from January to October 2022³¹. As reported by AIDA (2024: 44), Forensic Architecture has reported more than 2,000 pushback incidents within the last three years on their dedicated platform, which

²⁶ [https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/#:~:text=Greece%20\(interim%20measures%20granted%20on,the%20same%20islet%20once%20again.](https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/#:~:text=Greece%20(interim%20measures%20granted%20on,the%20same%20islet%20once%20again.)

²⁷ https://www.ecchr.eu/fileadmin/Publikationen/ecchr_analysis_greek_pushback_practice.pdf

²⁸ <https://www.refugeesinternational.org/reports-briefs/blocked-at-every-pass-how-greeces-policy-of-exclusion-harms-asylum-seekers-and-refugees/>

²⁹ <https://www.msf.org/fear-beatings-and-pushbacks-people-seeking-safety-greek-island-samos>

³⁰ https://www.refworld.org/reference/countryrep/stc/2022/en/148693?prevDestination=search&prevPath=/search?sm_document_source_name%5B%5D=Save+the+Children&sort=score&order=desc&result=result-148693-en

³¹ <https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/12143688.pdf> as reported by the BVMN (see: https://euaa.europa.eu/sites/default/files/2023-06/Border_Violence_Monitoring_Network.pdf)

allegedly occurred from 2020 to 2023 on the Greek islands, connected to 55,445 victims of pushbacks³². Among them, 24 persons were reported as dead and 17 as missing.

Regarding the Aegean Sea, according to UNHCR, in 2024, 54,417 people arrived by sea³³. In the annual report 2024, the Aegean boat report registered 508 pushback cases in the Aegean Sea. 5882 people arriving at the Greek coasts have been arrested, forced back to sea, and left drifting in life rafts at sea by the Hellenic Coast Guard³⁴. Estimates that these 508 incidents involved 14,482 people³⁵. In 2021, Greece's Minister of Shipping stated that the Coast Guard had rescued 29,000 refugees and migrants. Meanwhile, the Minister of Immigration and Asylum reported that fewer than 9,000 refugees and migrants had entered the country that year, highlighting a significant and unexplained discrepancy³⁶.

Regarding the land border, UNHCR reports that 7,702 arrived by land³⁷. No reliable data on pushbacks at the land border with Türkiye. Between January and December 2024, the Greek Council for Refugees, an NGO, sought provisional measures from the European Court of Human Rights (ECtHR) regarding incidents of pushbacks involving 303 individuals in the Evros region, which included unaccompanied minors and families with children³⁸. According to police statistics provided to GCR on January 18, 2024, 7,066 arrests for irregular entry at the Evros land borders were made throughout 2023, compared to 6,672 arrests in 2022³⁹.

11. *Source*: This practice does not occur based on legal sources but is entirely informal. People are not officially registered, and they are directly pushed back at the border or after arbitrary detention for a few days without any form of registration.

12. *Justification*: Despite growing scrutiny, Greek authorities continue to deny the existence of such practices in the Aegean and at the land border⁴⁰. Mitarachi noted, among other things, “it is important that we protect the external border. At the same time, it is very important that we protect human life. Here at the MED5 Group, we all share the same view that combating illegal smuggling operations is very important. Migration in Europe should happen through legal pathways and not through smugglers that make a fortune putting human lives at risk,” the country’s Ministry of Public Order said. “256,000 persons were prevented from ‘illegal invasion’ in 2022.”⁴¹

13. *Domestic and International Reactions*: National bodies have documented and condemned the practice of pushbacks at the border with Türkiye⁴². The same for international bodies, such as the Human Rights Council, which in its report on human rights violations at international borders: trends, prevention, and accountability states that “In Greece, pushbacks at land and sea borders have become de facto general policy”⁴³. The Greek government continues to deny responsibility and dismiss allegations, even as international organizations like the UNHCR, IOM, and ECtHR consistently raise concerns. On 21 February 2022, UNHCR expressed its concerns regarding recurrent and consistent reports from Greece’s land and sea borders with Türkiye. The International Organisation for Migration (IOM) has also been alarmed by increasing migrant deaths and continuous reports of pushbacks at the border between Greece

³² https://www.efsyn.gr/ellada/dikaionomata/419182_forensic-architecture/forensis-megali-ayxisi-ton-epanaproothiseon-mesa-se#goog_rewarded

³³ <https://data.unhcr.org/en/situations/europe-sea-arrivals/location/24489>

³⁴ <https://aegeanboatreport.com/annual-reports/#jp-carousel-12859>.

³⁵ <https://11.be/sites/default/files/2025-02/Pushbacks%20Report%202024.pdf>

³⁶ https://www.ecchr.eu/fileadmin/Publikationen/ecchr_analysis_greek_pushback_practice.pdf

³⁷ <https://data.unhcr.org/en/situations/europe-sea-arrivals/location/24489>

³⁸ <https://11.be/sites/default/files/2025-02/Pushbacks%20Report%202024.pdf>

³⁹ https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/#_ftn5

⁴⁰ <https://www.infomigrants.net/en/post/58637/greek-coast-guard-denies-allegations-of-illegal-pushbacks>;
<https://www.scienceopen.com/hosted-document?doi=10.13169/statecrime.10.2.0238>.

⁴¹ <https://www.infomigrants.net/en/post/53828/Türkiye-accuses-greece-of-pushing-back-migrants-once-again>

⁴² https://nchr.gr/images/English_Site/PROSFYGES/GNCHR-Statement-on-the-reported-practices-of-push-backs.pdf

⁴³ <https://documents.un.org/doc/undoc/gen/g22/328/57/pdf/g2232857.pdf?OpenElement>

and Türkiye. The Greek Council for Refugees offers an exhaustive description of national and international reactions to pushbacks⁴⁴. Particularly, the GCR states that the Greek Ombudsman's Findings noted a persistent reluctance by disciplinary bodies to investigate pushback incidents, suggesting that pushbacks are not isolated events, and that the Greek National Commission for Human Rights reported that pushbacks involve significant resources and infrastructure, indicating a systematic and organized operation rather than occasional incidents. They also reported that UNHCR documented a systematic practice by Greek authorities of denying entry and summarily removing individuals without evaluating their need for international protection. The also refers to the Recording Mechanism of Incidents of Informal Forced Returns - which reported at least 1,438 victims of pushbacks in 2023, including women, children, and individuals with special health needs - and to the Council of Europe's CPT Report, arguing that they received credible allegations of violent pushbacks across the Evros River and in the Aegean Sea, concluding that pushbacks to Türkiye continue to occur despite Greek authorities' denials. Between 2021 and 2023, [FRA](#) also reported to Greek competent authorities a request for 52 disciplinary investigations, which included acts of criminal nature, including 'allegations of police brutality against foreigners, illegal removal of their money, mobile phones and other personal items, death of a man due to police indifference and illegal pushbacks from Evros to Türkiye'. Greece proceeded with 35 investigations. However, the Greek Ombudsman noted that competent disciplinary bodies of the enforcement agencies are persistently reluctant to investigate allegations of unlawful actions. Additionally, FRA reported 35 criminal acts and suggested a criminal investigation, especially for the Hellenic Police and the Hellenic Coast Guard, for ill-treatment, physical injury, torture, rape, and theft during apprehension and/or summary removal to Türkiye. 15 cases were accepted by judicial authorities for investigation, but without results. Only 15 cases arrived at the pretrial or trial face, but no one arrived at any conviction.

Indeed, despite extensive documentation, investigations by Greek public prosecutors are often closed due to "lack of evidence". Most investigations connected to pushbacks have been closed by public prosecutors, invoking a lack of evidence. Many of these cases have been referred to the European Court of Human Rights (ECtHR) as domestic remedies were ineffective. Many migrants who have won interim measures from the ECtHR (which orders Greek authorities to protect them and provide access to asylum) still report being pushed back regardless. In some cases, groups that were already stranded on islets—like the 50 Syrian refugees in case no. 35090/22 (*K.A. and Others v. Greece*)—were expelled multiple times, even after re-entering Greece legally. According to AIDA (2023), Greece is second in Europe in terms of the number of cases in which the European Court of Human Rights (ECtHR) granted interim measures for the period 2021-2023, according to statistics published by the Court. According to these statistics, the Court has granted 177 interim measures related to Greece. Among them, and for the period 2022-2023, the ECtHR granted interim measures in 39 cases, represented by GCR, in which the applicants faced a risk of refoulement from Greece. On May 19, 2023, The New York Times published video footage allegedly showing a pushback of asylum seekers from Lesbos on April 11, 2023. Finally, in two recent cases ECtHR acknowledged that pushbacks are systemic: *A.R.E. and G.R.J. v. Greece*.

EU Home Affairs Commissioner Ylva Johansson acknowledged the footage, stating it appeared to depict an unlawful deportation and urged Greek authorities to conduct an independent investigation. Greek Prime Minister Kyriakos Mitsotakis also promised an inquiry, calling such practices "completely unacceptable." Despite the European Commission's request for an investigation, concerns persist over the effectiveness of Greece's National Transparency Authority (NTA), which has been criticized for failing to investigate similar cases properly. In response, 21 NGOs issued a joint statement on June 21, 2023, emphasizing Greece's lack of independent monitoring of human rights violations⁴⁵.

⁴⁴ <https://gcr.gr/wp-content/uploads/EN-GCR-Pushback-Report.pdf>

⁴⁵ <https://www.amnesty.eu/news/joint-ngo-statement-no-monitoring-of-fundamental-rights-violations-in-greece-without-independent-and-effective-mechanisms/>

14. *Externalization*: As mentioned before, pushbacks increased after March 2020, when Türkiye stopped accepting readmissions of asylum seekers under the concept of Third Safe Country as provided by the Türkiye-EU deal (see Externalization Section and Procedural barriers).

15. *Technology*: Border technologies are extensively used to monitor the border with Türkiye in the Evros region, contributing to putting into practice the systematic pushbacks previously described, by detecting people while trying to cross the border. Many mechanisms are deployed: these include Automated Border Surveillance Systems (ABSS), the surveillance subsystem in the Evros River delta, but also non-fixed surveillance technologies, portable thermal imaging cameras and binoculars, vehicles with thermal vision equipment, boats with surveillance equipment and drones.⁴⁶ Technological (civil and military) devices of surveillance at the land border in the Evros region can be seen as instrumental to containing access to territory, and they thus contribute to undermining access to asylum. Indeed, they are used instrumentally in pushbacks, where they intercept people while crossing the border. These control technologies raise concerns regarding privacy and respect for individuals⁴⁷. Topak (2021) underlines that large border patrol systems contribute to increasing violence. As reported by Fill (2025), the Evros border has been militarized through digital technologies since 2011, as part of the Integrated Border Management Program for Combating Illegal Immigration (see Papatzani et al., 2020). Then, when relations with Türkiye worsened in 2020, there was an escalation in armament on the Evros border, including drones for aerial surveillance, thermal cameras, military jeeps, and patrol boats. (Fill 2025). In addition to national technologies, Frontex, since 2021, has provided its equipment for digital border surveillance (Fill 2025). The same process of digital patrolling occurred in the Aegean Sea, particularly amplifying technologies for remote control (Fill 2025). This control extended also to the Turkish side (see pullbacks).

16. *Other*: Despite not being per se a barrier to access asylum, the fence at the border seems an instrument to put in place pushbacks on land. The first section of the fence was built in 2012 along the Meriç (Maritsa) River. Greece began extending the fence at the border with Türkiye in 2020 after initially installing a 12.5km fence in the region in 2012. In 2021, it completed a 40km (25-mile) fence and surveillance system on its border with Türkiye in the Evros region⁴⁸. The Greek authorities, with particular relevance to the Ministry of the Interior and the Ministry of Migration and Asylum, are pushing for the extension of the fence, justifying the construction of the fence to stop irregular migration from Türkiye and dismantle smuggling networks⁴⁹. In 2023, Greek authorities continued wall construction with the addition of 35 kilometres of surveillance systems. The fence aims to reduce irregular crossings from Türkiye to Greece, and it can represent, in combination with other measures preventing the arrival of migrants from Türkiye (pushbacks at the border with Türkiye and the externalization policy), an instrument limiting access to the territory and, consequently, access to asylum.

Summary returns according to the EU-Türkiye deal

Summary: According to the EU-Türkiye deal, signed in 2016, EU states, including Greece, returned to Türkiye migrants arriving in the EU passing from Türkiye, not applying for international protection, and asylum seekers whose application will be considered unfounded or inadmissible according to the Asylum Procedure Directive. As mentioned in the section ‘Procedure’, asylum applications have been considered inadmissible under the concept of a ‘safe third country’, arguing that asylum seekers had the possibility of receiving protection in Türkiye. However, it is worth noting in this regard that when the deal was implemented, Greece did not have a national asylum procedure in place to rule asylum applications from “safe countries”, which was introduced only in 2019 (see Procedural barriers). In this sense, the EU-Türkiye deal functioned as an instrument of summary returns, returning seekers (Syrians) and migrants arriving in the Greek islands, which were quickly returned to Türkiye.

⁴⁶ <https://borderviolence.eu/uploads/document/file/437/Border-surveillance-in-Evros.pdf>

⁴⁷ <https://borderviolence.eu/app/uploads/Border-surveillance-in-Evros.pdf>

⁴⁸ <https://www.bbc.com/news/world-europe-58289893>

⁴⁹ <https://www.euractiv.com/section/politics/news/eu-opposes-funding-fences-as-athens-fears-migration-waves-from-middle-east/>

1. *Functioning*: The EU-Türkiye deal was the basis through which Greece returned migrants arriving on the Greek islands after 20 March 2016 to Türkiye. Although the Statement had no formal legal status as an EU treaty, Greece operationalised it through domestic law by designating Türkiye as a safe third country or first country of asylum for most non-Turkish nationals, arguing that, based on the Asylum Procedures Directive, Articles 33 and 38, if a country is considered “safe,” an application may be declared inadmissible without substantive examination. This encouraged accelerated admissibility procedures, not full asylum assessments. The applications from asylum seekers coming from Türkiye were considered inadmissible according to the concept of the Safe Third Country of Origin, which was first applied in Greece. However, the implementation of the procedure at the national level concerning safe third countries raised several concerns regarding the lack of procedural guarantees in national legislation⁵⁰. For more details about the Safe Third Country concept in Greek asylum procedures, see the dedicated section “Procedural deficiencies connected to the designation of Türkiye as a safe third country”. These individuals, whose applications were not assessed on merit, were subject to return to Türkiye, with severe risks of refoulement. Greece introduced fast-track border procedures on the islands. These procedures prioritized admissibility decisions—i.e., whether Türkiye was safe for the applicant—rather than an individualized examination of refugee status in Greece. As a result, many claims were rejected as inadmissible due to the very limited fact-finding. According to the agreement, Greek authorities from the Greek islands expedited returns to Türkiye whenever possible, often at the expense of detailed procedural guarantees and, in practice, leading to summary returns. Türkiye agreed to readmit migrants returned by Greece under its EU-Türkiye Deal. Although the formal framework required case-by-case decisions, in practice, interviews were abbreviated, access to legal aid was limited, and returns occurred before applicants had effective access to remedies.

In addition to readmitting to Türkiye those asylum seekers whose applications were considered inadmissible, the EU-Türkiye deal also provided for the return of Syrian asylum seekers. Since 2016, most asylum seekers from Syria who arrived in the Greek islands have received a decision of inadmissibility from the Greek asylum office, as Türkiye was considered a safe country for Syrians, who could automatically obtain temporary protection in the country. Syrian nationals were thus returned and sent back to Türkiye and have been relocated to Adana and held at the Düziçi camp in Osmaniye province, approximately 200 kilometres from Aleppo. Officially, their detention is meant for identification and security checks. However, returnees have been held at Düziçi without being informed of the reasons for their detention or its duration, and they have lacked access to proper medical care⁵¹. Among the main critical issues, NGOs and experts have primarily questioned the effective right to access asylum in Türkiye, especially considering that Türkiye is not entirely bound by the 1951 Refugee Convention and the 1967 Protocol, as it ratified the Convention with a geographical limitation excluding non-European asylum seekers. As a result, non-European refugees in Türkiye—mainly Syrians, who are controversially depicted as “returnable” in the agreement—are not covered under the international protection framework of the Geneva Refugee Convention. Instead, they fall under a special temporary protection regime that lacks the status of an international obligation⁵². This raised significant criticism of chain refoulement from Greece to Türkiye and then to the migrants’ country of origin. In February 2020, Türkiye stopped all readmissions, now de facto suspended. The results of this suspension, however, have not represented a significant increase in migrants’ guarantees regarding their right to asylum (see “Procedural deficiencies connected to the designation of Türkiye as a safe third country”).

2. *Time*: summary returns to Türkiye under the EU-Türkiye deal, and according to the classification of Türkiye as a Safe Third Country, occurred from March 2016 to March 2020.

⁵⁰ https://asylumineurope.org/reports/country/greece/asylum-procedure/the-safe-country-concepts/safe-third-country/#_ftn3

⁵¹ <https://www.fmreview.org/tunaboyle-alpes/>

⁵² <https://rsaegrean.org/en/eu-turkiye-deal-5-years-of-shame-an-avoidable-institutional-deviation/>;
https://www.asileproject.eu/wp-content/uploads/2022/08/D5.2_WP5-Turkiye-Country-Report-Final.pdf

3. *Place:* From Greece (mainly at the border with Türkiye and in the Greek islands) to Türkiye. Non-Syrians were transferred to Turkish removal centres, primarily the Pehlivan köy facility, while Syrians were mainly in Adana and held at the Düziçi camp in Osmaniye province, at the border with Syria.
4. *Actors:* Several actors are involved. First, the EU Member States signed the deal with Türkiye. The CJEU denied direct involvement in the EU in 2017, even though the deal was signed at the edges of the Council of the EU. Turkish authorities and the Greek Ministry of Migration and Asylum are also directly involved. Additionally, the border police of Greece and Türkiye were involved in implementing returns. Finally, the Greek Asylum Service was responsible for issuing inadmissibility decisions on asylum applications, considering Türkiye as safe. As mentioned in the paragraph dedicated to procedures under the Safe Third Country Concept, the role of the Appeals Committees in deciding on these applications is also mentioned, with discrepant outcomes⁵³.
5. *Interaction:* This barrier interacts with the procedural barrier concerning the inadmissibility of asylum applications according to the Safe Third Country concept (see procedural barriers). Additionally, when it comes to Syrians, the practice can also be understood as a form of externalization of asylum processing. Indeed, the justification for the return of these groups of people to Türkiye was based on the argument that, as Syrians, they would receive temporary protection in Türkiye, thereby delegating and externalizing asylum processing to a third country.
6. *Development:* The readmissions to Türkiye ended in March 2020, when Turkish authorities stopped accepting returns.
7. *Rationale:* The rationale was to avoid processing asylum applications of asylum seekers crossing the border between Türkiye and Greece.
8. *Legal Status:* Migrants had two different legal statuses: they could be irregular migrants or asylum seekers, depending on how they expressed their interest in seeking asylum while in Greece.
9. *Specific Impact:* There is no information about the specific impact of this asylum externalization proceeding.
10. *Reach:* 2,140 people have been returned from Greece to Türkiye under the deal.⁵⁴ As mentioned, Türkiye has refused to receive refugees from Greece since March 2020.
11. *Source:* The EU-Türkiye deal is considered one of the most representative instruments of the externalization of asylum processing. The deal was signed, with a peculiar form, by the European Council and Türkiye members on 18 March 2016, and it became operative only two days later. Particularly, returns to Türkiye are stated in the EU-Türkiye Statement (n 19), para 1. Ulusoy and Battjes (2017) explain that the legal basis for the readmissions from Greece to Türkiye under the EU-Türkiye Statement is the existing bilateral readmission protocol between Greece and Türkiye, signed in 2002. According to the EU-Türkiye Statement “Migrants not applying for asylum or whose application has been found unfounded or inadmissible in accordance with the said directive will be returned to Türkiye”. Applications – especially of Syrian nationals - have been considered inadmissible according to the concept of Safe Third Country, provided by the EU Asylum Procedure Directive.
12. *Justification:* The externalization policy justifies the need for managing migration flows, particularly limiting irregular migration and combating smuggling networks. Regarding returns to Türkiye, the justification is that Türkiye is a safe third country where migrants can have access to asylum.
13. *Domestic and International Reactions:* Greek courts – the Appeals’ Committees – often acknowledged that Türkiye is not a safe country to send people back to, especially for vulnerable cases⁵⁵. However, this approach was not consistent among Appeals Committees, with different approaches and different

⁵³ <https://ecre.org/greek-appeals-committees-tighten-the-criterion-of-sufficient-connection-to-safe-third-country/>

⁵⁴ <https://www.rescue.org/eu/article/what-eu-türkiye-deal>

⁵⁵ <https://ecre.org/greek-appeals-committees-tighten-the-criterion-of-sufficient-connection-to-safe-third-country/>

outcomes in decisions before the CJEU preliminary ruling and the Council of States' decision in 2025. NGOs strongly denounced these practices, arguing that there is a severe risk of violating the principle of non-refoulement, especially considering the limited access to asylum and safeguards in Türkiye for people returned to Türkiye. For more details concerning reactions regarding the procedure under the Safe Third Country, see the section "Procedural deficiencies connected to the designation of Türkiye as a safe third country".

14. *Externalization*: It occurred under the externalization policy of the EU-Türkiye deal.

15. *Technology*: No additional information.

16. *Other*: No additional information

Pullbacks

Summary: One of the consequences of the EU-Türkiye deal for access to asylum has been limiting entrance to the Greek territory, favouring the pullbacks by Türkiye through the activity of the Turkish Coast Guard in the Aegean Sea since 2016. According to the deal, Türkiye was responsible for taking back all irregular migrants intercepted in Turkish waters. Despite the deteriorating relationships between Greece and Türkiye since March 2020, Türkiye continues to take back migrants intercepted in Turkish waters. More recent information suggests the increased efforts on the side of the Greek government to increase their cooperation with Libya for preventing access to Greece and particularly to Crete and Gavdos.

1. *Functioning*: The Turkish Coast Guard intercepted migrants aiming to cross the border with Greece, especially by sea, through direct intervention of the Turkish Coast Guard. The activity of the Turkish Coast Guard limits the possibility for asylum seekers to access Greek territory. Regarding the cooperation with Libya, as reported by the [Global detention project](#), "Greece has also been intensifying efforts to collaborate with Libya to block the route—both with Libya's eastern-based Haftar-led administration and the official government based in Tripoli. This has included hosting and delivering training to Libyan coast guard officials in Crete to bolster their efforts in intercepting and returning irregular vessels, which media outlets [report](#) has been provided to officers from both eastern and western Libya. The Greek Navy has also [deployed](#) two naval frigates to patrol the international waters around Libya to thwart irregular crossings. According to the [Washington Post](#), Plevris and his European counterparts have also discussed the option of establishing centres in Libya. Greek cooperation with Libya mirrors a broader pattern across the European Union in which Member States have actively supported Libyan migrant detention and interdiction efforts".

2. *Time*: Pullbacks by the Turkish coast guard have been documented from 2016 to March 2020⁵⁶. This practice is outlined within the EU-Türkiye deal, signed on 18 March 2016, and remains in effect. The deterioration of the relationship between Greece and Türkiye has reduced the sustainability of Turkish government cooperation in border management and led Türkiye to condemn Greek pushbacks at its borders. However, the Turkish Coast Guard continued to intercept migrants in Turkish waters and send them back to Türkiye (see Development).

3. *Place*: Interventions by the Turkish authorities mainly occurred in the Aegean Sea and, to a limited extent, on the land border with Greece.

4. *Actors*: Turkish authorities were directly involved, particularly the Turkish Coast Guard and the Greek Coast Guard. Additionally, the European Union, through the Facility for Refugees in Türkiye, has strongly financed Türkiye's border management. The Facility has funded two projects worth €80 million to enhance the search and rescue capabilities of the Turkish Coast Guard and improve the management of returns

⁵⁶ <https://mashable.com/article/turkish-coast-guard-beat-migrants>; <https://alarmphone.org/en/2019/06/28/alarm-phone-aegean-report/>

from the EU⁵⁷. More broadly, the European Union agreed to provide € 6 billion in humanitarian assistance, education, healthcare, municipal infrastructure, and socioeconomic support for Syrian refugees in Türkiye between 2016 and 2019. Although the European Union claims that the full amount has been allocated and more than 4 billion euros have been disbursed, the Turkish government has had issues with the pace and manner of the payments, which have been directed to refugee-serving organizations rather than government accounts. In 2020, the European Union committed to providing an additional € 485 million to ensure that certain programs continue through 2021.

5. *Interaction*: This barrier relates to externalization since it should be one of the strategies adopted by the EU to reduce the arrivals of migrants in the EU, and particularly in Greece from Türkiye. Additionally, it intersects with pushbacks since, in some cases, pullbacks occurred in combination with the intervention of the Greek Coast Guard to prevent migrants' arrival on their territory or pushing them back into Turkish waters⁵⁸.

6. *Development*: The deal was rapidly implemented in 2016, and as mentioned, it also concerned Turkish efforts in border management to prevent irregular migration to the EU, particularly to Greece. In this context, activities related to pullbacks were implemented by the Turkish authorities, particularly the Turkish Coast Guard, which is largely financed by EU funds. However, in March 2020, Türkiye changed its approach and stopped the practical implementation of the deal. Thus, it reduced its cooperation in border management and pullbacks. Instead, it started to denounce Greece's pushbacks at the sea and land borders⁵⁹. Despite these condemnations, the Turkish coast guard has continued to intercept migrants, especially in the Aegean Sea, and bring them back to Türkiye after March 2020 (see Reach). Since 2020, Türkiye has mainly intercepted boats pushed back by the Greek Coast Guard.

7. *Rationale*: The primary aim of the EU-Türkiye deal was to contain migration flows from Türkiye to EU Member States, particularly Greece. Indeed, in 2015, over 885,000 people moved from Türkiye to the Greek islands—the deal aimed at reducing the number of asylum seekers and irregular migrants crossing the border. Pullbacks are one of the instruments aimed at achieving this goal, thereby avoiding direct responsibility from the EU and Greek authorities.

8. *Legal Status*: Migrants subject to pullbacks have no legal status for Greek authorities since they do not reach the territory, or – when they reach the

9. *Specific Impact*: Specific information on the impact of the deal on vulnerable people is not available. However, data from NGOs suggest that children are also subject to pullbacks.

10. *Reach*: The EU-Türkiye deal has significantly reduced the number of arrivals in Greece, which in 2015 were 861,630 and decreased to 177,234 in 2016 and only 36,310 in 2017. Turkish authorities declared that from 2016 to 2020, they stopped nearly 190,000 migrants from reaching the EU by boat. Despite the deteriorating relationships between Greece and Türkiye, as well as incidents involving the coast guards of the two countries, this activity continued over the years. According to data published by the Daily Sabah, in 2020, the Turkish Coast Guard intercepted 20,380 migrants at sea, and in 2021, it recorded 23,676 cases. In 2022, the number of interceptions doubled to 49,518; in 2023, this number rose to 56,954 cases⁶⁰.

11. *Source*: According to the EU-Türkiye deal, Türkiye will take any necessary measures to prevent new sea or land routes for illegal migration opening from Türkiye to the EU⁶¹. The Turkish Coast Guard's activity was aimed at this purpose. With the deal, the EU has also initiated a substantial funding program to support migration management in Türkiye and implement the agreement. A key component of the 2016 EU-Türkiye Statement was the €6 billion Facility for Refugees in Türkiye, with €3 billion from the EU budget and €3 billion from the EU Member States. From the Facility envelope, over €4.9 billion has been

⁵⁷ https://ec.europa.eu/commission/presscorner/detail/da/ip_23_4521

⁵⁸ <https://alarmphone.org/en/2019/06/28/alarm-phone-aegean-report/>

⁵⁹ <https://www.bbc.com/news/world-europe-51752686>

⁶⁰ <https://www.infomigrants.net/en/post/60157/Turkiye-190000-people-intercepted-at-sea-since-2020>

⁶¹ <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-Turkiye-statement/>

disbursed to date. Funding continues nowadays. In 2022, the European Commission allocated an additional €220 million to strengthen border control at Türkiye's eastern border, bringing the total EU assistance for 2022 to €1.235 billion. This funding supports refugees in Türkiye by addressing basic needs, aiding vulnerable groups, promoting socio-economic integration, and enhancing border management. The €1.2 billion package is part of a broader €3 billion commitment (2021–2023) and includes €220 million for border security upgrades, including surveillance equipment and training for officials on migration management and fundamental rights.

12. *Justification*: the EU, Greece, and Türkiye justified this cooperation in border management as essential to reduce irregular migration and fight against irregular migratory routes and smuggling⁶².

13. *Domestic and International Reactions*: The EU has supported the agreement, and despite all the criticism and the deteriorating relationships between Greece and Türkiye, it is still in place. Academics, NGOs, and experts have criticized the instrument. The deal has not been under direct scrutiny by national and international courts. In 2017, the CJEU stated that it lacked jurisdiction to express the legality of the EU-Türkiye deal⁶³. Regarding pullbacks, NGOs and academics have criticised the funding of the Turkish Coast Guard by the EU and their interception of migrants at sea and returns to Türkiye.

14. *Externalization*: Pullbacks occur under the EU-Türkiye deal, one of the clearest examples of externalization of asylum policy in the EU.

15. *Technology*: Türkiye has developed its digital system for border surveillance since 2011. Since 2012, Türkiye has signed a memorandum of understanding with Frontex, including border surveillance (Fill 2025). Also, in light of the EU-Türkiye deal, the cooperation intensified over the years, with the aim of enhancing Türkiye's capacity of border surveillance by land and sea through the use of advanced technologies, in certain cases functional to implement pullbacks: several reports indicated for instance joint patrol operations between Greece and Türkiye with migrants intercepted by Greece through remote digital patrolling systems and then pushed back by Turkish patrol units (Fill 2025).

16. *Other*: no additional information

Walls and fences

Summary: The fence between Greece and Türkiye, primarily located along the Evros River, was initially constructed in 2012 to deter irregular migration into Greece and, by extension, the European Union. Over the years, this fence has been extended and fortified, reflecting the evolving dynamics of migration and political relations between Greece, Türkiye, and the EU. The fence represents one of the main practices adopted by Greece (together with pullbacks and pushbacks) to deter migrants' access to their territory. Within this broader picture, it can represent a piece of the puzzle, preventing access to territory and consequently access to asylum. Indeed, the already very difficult journey to arrive in Greece, due to geographical (the Evros River) and human (practices of pullbacks) factors, as well as the fence and its surveillance mechanisms, makes the crossing even more difficult and dangerous for people seeking to reach the EU to seek asylum.

1. *Functioning*: the fence functions as a physical barrier aimed at preventing migrants from entering Greece from Türkiye. It is equipped with surveillance technology, including night-vision cameras, and is patrolled by Greek and European police forces (Cabrera-Nossa, Rodríguez & Montañez 2024). The fence serves as an additional barrier to accessing territory, making crossing harder than it already is due to geographical reasons. Indeed, the border with Türkiye by land is marked by the Evros river, which follows the land border. Thus, the fence is built in proximity to the river to prevent irregular crossing there. One relevant part of the fence is built in the northern area of the border, where the largest number of attempts to cross occur. In this area, there is one entry point, Pazarkule-Kastanies. It is the most used entry point, but it was

⁶² <https://www.migrationpolicy.org/news/paradox-eu-turkiye-refugee-deal>

⁶³ <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-02/cp170019en.pdf>.

repeatedly closed, and [incidents against migrants](#) trying to cross the border have been reported, especially in 2020, when asylum seekers were not able to access asylum at the border since the Greek government suspended asylum. In the middle of the land border, there is a second entry point, Kipi (Greece) /İpsala (Türkiye), a major motorway border crossing between Greece and Türkiye. Finally, between these two entry points, there is a third entry point, Pythio/Uzunköprü, the latter being the only one with a railway.

2. *Time*: The construction of the wall started in 2011.

3. *Place*: The fence was constructed along the Meriç (Maritsa) River. As reported by [Forensic Architecture](#) “While the 2011 fence was erected along the only stretch of the border that runs over land, the second and third stages of the fence in 2020 and 2023-24 were built chiefly along parts of the old riverbed, which now run dry, and were designed to double as an anti-flood embankment. In the few places where the fence is built along the current riverbanks, it creates a two-metre-wide strip excised from Greek territory where asylum seekers who manage to cross the river – but not the fence – are abandoned in a similar fashion as on islets. Fence and river are now entangled and co-constitutive as vital parts of the complex assemblage that is the Evros border environment”.

4. *Actors*: Greek authorities, with relevance of the Ministry of the Interior and the Ministry of Migration and Asylum. The Turkish government initially supported the construction of the fence and implemented migration controls, anticipating benefits related to EU membership and migration management. In response to the refugee and migration crisis, the European Union and Türkiye signed an agreement in late March 2016. This deal stipulated that migrants arriving on the Eastern Aegean islands must stay there until their asylum requests are processed. Additionally, Türkiye committed to enhancing its management of migration flows. This agreement is part of the EU’s strategy to externalize border management and has increased the EU’s reliance on Türkiye for diplomatic leverage (Ferrer y Gabrielli 2022). Despite the strained relations between Greece and Türkiye since 2020, the Turkish government has collaborated to prevent access to the EU (see pullbacks). With this aim, it recently stated that it will [construct a wall to prevent irregular migration to the EU](#). Regarding the [EU](#), in 2023, it did not agree to fund the extension of the fence in Greece, arguing concerns for human rights.

5. *Interaction*: The construction of the fence intersects with pushbacks at the same border, since it can be seen as one of the tools in place to prevent migrants crossing the land border from Türkiye to Greece.

6. *Development*: Greece began extending the fence at the border with Türkiye in 2020, after initially installing a 12.5km fence in the region in 2011. [In 2021 it completed a 40km](#) (25-mile) fence and surveillance system on its border with Türkiye in the Evros region. In 2023, Greek authorities continued the construction of the fence, with an additional 35-kilometer of surveillance systems, and the plan to continue the construction up to 200 km, which is the length of the land border with Türkiye in the Evros region).

7. *Rationale*: The rationale for the construction of the fence and the implementation of surveillance technologies is to prevent irregular border crossing.

8. *Legal Status*: Migrants not able to cross the border because of the fence have no legal status for Greece since they are not able to reach the Greek territory.

9. *Specific Impact*: not available information. However, vulnerable people trying to cross the fence may be more likely to be injured, especially people with disabilities, children, or pregnant women.

10. *Reach*: It is difficult to measure the reach of the fence, since it can be seen in combination with other practices preventing border crossing. However, some numbers can help give an idea of the numbers. Türkiye identified 454,662 migrants and refugees on land across the country in 2019, an increase of 70% compared to 2018 (IOM 2020). Only 6,022 persons arrived through the Greek-Turkish land border of Evros in 2022 (a slight increase from 2021 when 4,826 crossed the border (Kantouris and Gatopoulos 2023)).

11. *Source*: No information is available

12. *Justification*: The fence has functioned as an effective deterrent against irregular migration, helping prevent more than 250,000 crossings at the land border in 2022 (Kantouris and Gatopoulos 2023). Following this logic, in 2021, the steel fence was extended to 40 kilometres and complemented with floating barriers along a border river. In fact, in the same year, Prime Minister Kyriakos Mitsotakis signed a contract for an additional 35 km extension. They made public his intention to build a border fence that extends the complete external border with Türkiye, which signifies a total length of 140 km (Fenix 2023). For his new extension, Mitsotakis is asking the EU for financial support and has stated that Greece is “contributing toward European security and [...] towards a more integrated and effective European asylum policy.” (Zimmerman 2023)

13. *Domestic and International Reactions*: Greek authorities asked for [EU funds](#) for the construction, but the EU refuses to provide money and support the plan of enlarging the fence. NGOs also raised concerns about the extension of the fence, especially concerning technological instruments of surveillance (see Technology - BMVN 2024).

14. *Externalization*: Collaboration of Türkiye in preventing border crossing also building a wall can be considered part of the externalization policy conducted by the EU in the neighbouring country.

15. *Technology*: The land border in the Evros region is one of the most securitized borders, with the project of the construction (partially in place) of fences and the large use of [surveillance and control technologies](#), raising questions in terms of privacy and respect of human rights. Technological (civil and military) devices of surveillance and border control can be seen as instrumental in containing access to territory, and they thus contribute to undermining access to asylum (BMVN 2024).

Detention

Summary: Detention is generally and indiscriminately used but is not always a barrier to accessing asylum. Forms of detention that constitute a barrier to accessing asylum are: informal detention for pushbacks; administrative detention on arrival, before registering a claim, in pre-removal centres, police cells, or the airport. Forms of detention that do not constitute barriers to accessing asylum include: de facto detention for the purpose of completing the registration and identification process; detention after an asylum claim is made; and pre-removal detention. Pre-removal detention can constitute a barrier when applied to people whose applications fail automatically because of the designation of Türkiye as an STC.

1. Functioning:

Informal detention: Informal detention is used to enable forcible returns, particularly at the land border between Greece and Türkiye, where newly arrived persons are apprehended by police officers or unidentified masked men, held informally and illegally for a number of hours, and then forcibly returned to Türkiye. People detained and pushed back are not allowed to seek asylum, making this practice a direct barrier to access asylum in Greece.⁶⁴ Some people make repeated efforts to enter Greece to seek asylum and are informally detained and pushed back to Türkiye more than once.⁶⁵

De facto detention in RICs and CCACs: To apply for asylum, a person must present themselves to RICs (on the mainland) or CCAC (on eastern Aegean Islands) for registration and identification.⁶⁶ Article 40 of the Asylum Code (L 4939/2022) provides that persons in RICs or CCAC may be subject to an up to 25-day restriction of their personal liberty within the premises of the RIC/CCAC by way of exception.

⁶⁴ Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023, CPT/Inf (2024) 22, para 155.

⁶⁵ Working group on arbitrary detention, para 87, A/HRC/45/16/Add.1

⁶⁶ On the mainland, asylum seekers are detained in the Malakasa or Diavata RICs that began operating in 2022. RICS in Islands: RICs or hotspots were established in 2015 based on the EU hotspot policy in 5 islands: Lesbos, Chios, Samos, Leros and Kos. In 2021-2022, CCACs replaced RICs in these locations with EU funding. People arriving through Evros are detained at the RIC in Fylakio, Orestiada. Conditions are not good in CCACs and RICs, as recognised by ECHR among others (AIDA, 54).

However, in practice, the provision is applied in a generalised, indiscriminate manner, and all newly arrived persons are subjected to a ‘restriction of movement’ order which confines applicants within the RIC/CCAC, a measure amounting to *de facto* detention.⁶⁷

Depending on the registration capacity and workload of the Authorities, additional ‘waiting periods’ within the premises of RICs/CCAC are applied.⁶⁸ Delays have also been observed in issuing the restriction order, which must be issued within 5 days of arrival, contributing to extended periods of *de facto* detention.⁶⁹ *De facto* detention is not a barrier to asylum in itself.

Administrative detention on arrival for irregular entry (pre-application), and access to the asylum procedure from administrative detention: Administrative detention for newly arrived persons can be a barrier to accessing asylum. When people arrive irregularly, particularly in locations where no RICs/CCACs are in operation (for example, Crete, Kalamata), they are frequently apprehended by the police, issued a removal order, and subsequently placed in administrative detention on the grounds that they entered irregularly and are subject to deportation.⁷⁰ Newly arrived persons can be held in administrative detention in police cells (including at Athens airport) or in pre-removal centres and may also be placed in pre-removal centres prior to the registration and identification procedure takes place due to lack of capacity at RICs – this practice is systemically used in the Evros region in particular.⁷¹ Therefore, instead of being transferred to RICs or CACCs, some newly arrived persons find themselves held in administrative detention.

Individuals who are in administrative (pre-removal) detention and express their intention to apply for asylum face significant delays in registering their applications, sometimes for several months.⁷² During this waiting period, they remain detained based on a removal order and lack the procedural guarantees granted to asylum seekers. Article 65 of the Asylum Code recognises them as asylum seekers upon expressing their intention, yet they are not afforded the corresponding protections.⁷³ Additionally, since this waiting period is not counted towards the legal detention duration, individuals may end up being detained for longer than the maximum allowable time for asylum seekers.⁷⁴ Research also shows that applicants remained detained even after making their asylum application.⁷⁵

Administrative detention after an asylum application: The initial restriction in RICs and CACCs is followed frequently, and sometimes automatically, by administrative detention in pre-removal centres or police cells that can last many months. According to Article 50 (5) Asylum Code, the detention of an asylum seeker can be imposed for an initial period of up to 50 days and may be successively prolonged up to a maximum of 24 months (Law of September 2025 L. 5262/2025). Detention according to Article 50 is possible for the purpose of determining or verifying an applicant’s identity nationality or origin, to determine those elements on which the application for international protection is based which could not be obtained in the absence of detention, in particular when there is a risk of absconding of the applicant, when there is a risk of national security or public order, when there is a significant risk of absconding and

⁶⁷ AIDA, 55; Greek National Commission on Human Rights, National Report on the situation of human rights of migrants at the borders, 2021, page 39.

⁶⁸ AIDA country report, 58; 231

⁶⁹ Joint CSO Statement, Unlawful detention and worsening conditions: over 4,000 asylum seekers and unlawfully detained on Samos and Lesbos, 19 September 2023, available at: <https://bit.ly/3VPTWxx>.

⁷⁰ AIDA, 230.

⁷¹ The Greek Ombudsman, The challenge of migration flows and refugee protection, May 2024, 121.

⁷² Mobile Info Team, "Prison for Papers": Last Resort Measures as Standard Procedure - Researching Pre-removal Detention Centres on Mainland Greece, 2023 (<https://www.mobileinfoteam.org/detention-translated>), page 50. See also below on interactions.

⁷³ Greek National Commission on Human rights, National Report on the situation of human rights of migrants at the borders, 2021, page 33.

⁷⁴ AIDA 68; The Greek Ombudsman, The challenge of migration flows and refugee protection, May 2024, 121.

⁷⁵ Mobile Info Team, "Prison for Papers": Last Resort Measures as Standard Procedure - Researching Pre-removal Detention Centres on Mainland Greece, 2023 (<https://www.mobileinfoteam.org/detention-translated>), page 50; The practice was criticised by ECHR in *A.A. v Greece*, 2010.

in order to ensure the implementation of the transfer procedure in accordance with the Dublin Regulation, in order to decide, in the context of a procedure, on the applicant's right to enter the territory. There are no clear guidelines as to how each of these elements is interpreted. In practice, detention on the basis of one of the above grounds, particularly the protection of public order, is used broadly.⁷⁶

In addition, asylum seekers on the mainland who booked a registration appointment through the Ministry's platform were detained during the period from accessing the platform to the day of their appointment, as they were in legal limbo. National courts have ruled this detention without grounds and the status of applicants as 'asylum seekers'.⁷⁷

Pre-removal detention: If an asylum seeker's application fails, either on admissibility or merits, Greek law provides two procedures for removal: return pursuant to L 3907/2011 and deportation pursuant to L 3386/2005. Deprivation of liberty orders almost always accompany return and deportation decisions.⁷⁸ Greece runs seven large pre-removal centres (PRDCs) where third-country nationals due to be removed are held.⁷⁹

Third-country nationals can only be detained while their removal process is being carried out, for 6 months with a possible extension of up to 12 months.⁸⁰ In practice, however, people whose claims are rejected are detained for arbitrary periods of time, often determined by the availability of space in detention facilities and whether individuals can afford legal assistance to challenge their detention. Facilities like Corinth and Paranești saw the longest average detention periods, averaging six to seven months, with some cases exceeding 18 months, likely due to overlapping detention under both asylum and removal procedures.⁸¹

Although detention should only be imposed where removal is feasible, police continue to issue removal and detention orders even in cases without prospect for removal. For example, applicants from Afghanistan and Syria are detained for arbitrary periods of time because they can neither be returned to Türkiye, due to the latter's suspension of all returns, nor to their countries of origin.⁸² Research also revealed a pattern of re-detention, where individuals were released upon receiving a police order to leave the country voluntarily, and failure to do so led to renewed detention, with some held for up to 33 months across multiple periods.⁸³

2. *Time:* Detention of third-country nationals was enshrined in law in 2005.⁸⁴ Reports show that detention has been used in a widespread and generalised manner, and not as last resort, since 2010 with an increase in 2015 due to an influx of arrivals.⁸⁵ De facto detention for the purposes of identification in RICs/CACCs has been a default measure since the implementation of the hotspot approach in 2016.⁸⁶

⁷⁶ Mobile Info Team, "Prison for Papers": Last Resort Measures as Standard Procedure - Researching Pre-removal Detention Centres on Mainland Greece, 2023 (<https://www.mobileinfoteam.org/detention-translated>), pages 48-49

⁷⁷ AIDA 67; see also procedural barriers regarding the registration platform.

⁷⁸ Systemic deficiencies persist in immigration detention in Greece, RSA Submission to the Committee of Ministers of the Council of Europe 2024: 99.2% of deportation orders were accompanied by detention, 64.3% of return decisions were accompanied by detention.

⁷⁹ Amygdaleza, Corinth, Tavros [Petrou Ralli], Paranești, Xanthi, Filakio, Kos

⁸⁰ Art 30, L 3907/2011; Art 76, L 3386/2005.

⁸¹ Mobile Info Team, "Prison for Papers": Last Resort Measures as Standard Procedure - Researching Pre-removal Detention Centres on Mainland Greece, 2023 (<https://www.mobileinfoteam.org/detention-translated>), page 46.

⁸² Greek Ombudsman, Special Report on the Return of Foreign Nationals 2024 (available in Greek <https://www.synigoros.gr/el/category/ekdoseis-ek8eseis/post/eidikh-ek8esh-or-epistrofes-allodapwn-2024>), 46. See also procedural barriers below on the application of the safe third country concept on the issue of suspended returns.

⁸³ Mobile Info Team, "Prison for Papers": Last Resort Measures as Standard Procedure - Researching Pre-removal Detention Centres on Mainland Greece, 2023 (<https://www.mobileinfoteam.org/detention-translated>), page 47.

⁸⁴ L3386/2005

⁸⁵ Mobile Info Team, "Prison for Papers": Last Resort Measures as Standard Procedure - Researching Pre-removal Detention Centres on Mainland Greece, 2023 (<https://www.mobileinfoteam.org/detention-translated>), page 9 referring to Amnesty International and Human Rights Watch reports from 2010.

⁸⁶ AIDA report, 55.

3. Place:

CACCs and RICs: Greece operates five CACCs on 5 Aegean Islands (Lesvos, Chios, Samos, Leros and Kos), and 3 RICs (Malakasa, Diavata, Fylakio Evros) where applicants for asylum are held for identification purposes.⁸⁷ Responding to changing migratory routes, and in particular the arrival of migrants from Lybia to Crete, the nearby island of Gavdos, Greece, announced plans in early July to establish a detention facility in Crete. Reports suggest that the new detention centre plans have evolved into plans to open three new temporary registration centres.

Pre-removal centres: Greece operates 7 pre-removal centres Amygdaleza, Corinth, Tavros [Petrour Ralli], Paranesti, Xanthi, Filakio, Kos.

Pre-registration detention is particularly observed in the Evros region for people arriving via the land border with Türkiye due to overcrowding of the RIC, as well as people arriving in areas where an RIC or CACC is not operating, such as Crete and Calamata. Third-country nationals are also held in police stations throughout the country.⁸⁸

Informal detention and pushbacks take place mostly in the Evros region (land border with Türkiye).

4. Actors:

De facto detention: The Head of the respective CACC or RIC issues deprivation of liberty orders for newly arrived asylum seekers. EU funding has supported the transformation of hotspots into CACCs. In November 2020, Greece received €121 million from the European Commission to build new reception centres on Samos, Kos, and Leros, which were later opened between 2021 and 2022. In March 2023, the European Commission granted an additional €155 million to construct new centres on Lesvos and Chios. However, these two sites remain unfinished due to legal challenges and resistance from local residents. In the meantime, the former Reception and Identification Centres (RICs) on these islands have been temporarily converted into CCACs.⁸⁹

Administrative and pre-removal detention: Police issues pre-removal and administrative detention orders for newly arrived persons, asylum seekers and third country nationals subject to return/removal.

Informal detention: Actors involved in pushbacks are also responsible for informal detention including police officers and far-right groups.⁹⁰

5. *Interaction*: Informal detention is directly linked to **pushbacks**, as previously explored.

De facto detention in Eastern Aegean Islands CACCs and interaction with **the STC concept and externalization**: The EU-Türkiye deal transformed hotspots into CACCs in 2016. People who arrived via the Aegean islands after 20 March 2016 came under the EU-Türkiye Statement and automatically subjected to *de facto* detention in the hotspots/CACCs to be returned to Türkiye if they did not apply for asylum or if their asylum claims were rejected, either because they were deemed inadmissible under the Safe Third Country concept, or because their claims were denied on substantive grounds.⁹¹ 2,140 individuals were returned to Türkiye between 2016 and 2020.

⁸⁷ Gov website, <https://migration.gov.gr/en/ris/diadiakasies/>

⁸⁸ Greek Ombudsman, Special Report on the Return of Foreign Nationals 2024 (available in Greek <https://www.synigoros.gr/el/category/ekdoseis-ek8eseis/post/eidikh-ek8esh-or-epistrofes-allodapwn-2024>); F. Kourakis. (2024) Immigration Detention in Police Stations in Greece: A Persistent and Cruel Practice . Available at: <https://blogs.law.ox.ac.uk/border-criminologies-blog/blog-post/2024/02/immigration-detention-police-stations-greece-persistent>.

⁸⁹ Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023, CPT/Inf (2024) 22, para 103.

⁹⁰ See section on pushbacks.

⁹¹ AIDA, 56

Despite the fact that no readmission to Türkiye has been implemented since 2020, and for the time being, no reasonable prospect of readmission to Türkiye exists, asylum seekers whose applications have been rejected as inadmissible on the basis of the safe third country concept remain detained for prolonged periods under a removal order in pre-removal detention centres.⁹² Being released depends on their ability to challenge their detention or the outcome of subsequent asylum applications.⁹³

Pre-registration detention in pre-removal centres and associated **procedural barriers**: Pre-registration detention in pre-removal centres significantly hinders access to the asylum process. Many people detained in pre-removal centres interviewed by the UN Working Group on Arbitrary Detention in 2020 were unaware of their right to seek asylum or misunderstood the procedure, with some believing that the asylum process began automatically when they were fingerprinted. Police authorities often failed to inform detainees about their rights and the process for claiming international protection. Information was mostly provided by non-governmental actors, and detainees had to rely on fellow applicants for guidance. The situation is worsened by the lack of interpretation services in most pre-removal detention centres. Where interpreters are available, they do not consistently cover all stages of the asylum process or translate key documents due to the high number of detainees. Detention orders and judicial reviews are issued in Greek, further limiting detainees' understanding of their legal situation.

People detained on unrelated criminal charges face even greater procedural barriers. The Working Group documented cases where such individuals were unable to attend asylum interviews due to being held in detention.⁹⁴

7. *Rationale*: The rationale is to enable the process of registering asylum claims (de facto detention in reception centres). Registered applicants may still be subject to detention for security reasons or to prevent absconding. Applicants whose applications have failed are detained to enable removal.

8. *Legal Status*: No legal status if the person is detained prior to formalising their claim; asylum seeker status during application; no legal status if the application was dismissed and the person continues to be detained.

9. *Specific Impact*: migrant minors are largely affected by detention in Greece

10. *Reach*: In practice, the majority of asylum seekers are detained, either in administrative detention (often in pre-removal detention centres or police cells) or de facto detention in reception centres. 56000 people in de facto detention in 2024. 29000 asylum seekers in administrative detention in 2024.

11. *Source*: Asylum Code

12. *Justification*: detention is justified as a functional part of administrative procedures, such as registration, asylum adjudication, and returns.

13. *Domestic and International Reactions*: The use of detention has been criticised by various international and domestic actors, generally and indiscriminately. The European Court of Human Rights has condemned Greece for detaining asylum seekers in inhumane conditions without providing effective legal remedies to challenge such detention. In the case of *F.H. v. Greece*, the Court ruled that both the detention conditions and the lack of an effective remedy to contest these conditions constituted violations of the Convention, the European Commission in its infringement proceedings against Greece for incorrect transposition of

⁹² Mobile Info Team, "Prison for Papers": Last Resort Measures as Standard Procedure - Researching Pre-removal Detention Centres on Mainland Greece, 2023 (<https://www.mobileinfoteam.org/detention-translated>), page 8; Greek Ombudsman, Special Report on the Return of Foreign Nationals 2024, page 48. (<https://www.synigoros.gr/el/category/ekdoseis-ek8eseis/post/eidikh-ek8esh-or-epistrofes-allodapwn-2024>) page 47.

⁹³ See section below on STC concept for the process of challenging an inadmissibility decision.

⁹⁴ Human Rights Council, Report of the Working Group on Arbitrary Detention on its visit to Greece, 29 July 2020, A/HRC/45/16/Add.1.

the Reception Conditions Directive (2013/33/EU) in relation to generalised de facto detention. Greek administrative courts have also criticised prolonged and generalised de facto detention.⁹⁵

The Greek Ombudsman has condemned the practice of pre-removal detention prior to making an asylum claim since 2022 for distorting the nature of the pre-removal detention centre and for considering all arrivals as detainees to be returned.⁹⁶ The UN Working Group on Arbitrary Detention in 2020 similarly condemned the practice.⁹⁷

The Greek ombudsman also criticised pre-removal detention where there is no prospect of return, in light of relevant CJEU decisions as well.⁹⁸

14. *Externalization*: No relevant information.

15. *Technology*: Technology is largely used in migration detention facilities. Particularly, digital surveillance systems monitor and control 39 migrants and refugee camps in Greece (Fill 2025). The primary digital system is the Centaur system, which utilizes cameras and motion analysis algorithms to control detention centres (Petridi, 2021, as quoted by Fill, 2025). Data are collected through drones, thermographic cameras, x-ray machines, and security cameras, and then transferred at the central level at the Ministry of Migration and Asylum (Fill 2025, Emmanouilidou and Fallon 2021). Centurion is funded by the EU and is framed within the context of Greece's digital transition process (Fill, 2025). Systems of collection of biometric data in migration and refugee camps were documented since the creation of hotspots in 2015 (Tazzioli 2020)

16. *Other*: no additional information.

Procedural barriers

Summary: Deficiencies in the asylum process exist when launching an asylum claim or an appeal, contributing to a lack of effective access to asylum (particularly for certain groups such as unaccompanied minors). Procedural barriers include a lack of interpretation, failure to follow the correct procedure, and a lack of procedural guarantees for members of certain vulnerable groups, resulting in their inability to access a merits review of their applications and difficulties in making an application on the mainland. Procedural barriers also include the application of the safe third concept, which can lead to claims being declared inadmissible without consideration of the case's merits, as described in a separate section below.

1. *Functioning*:

Lack of information/interpretation: The Greek asylum system suffers from a severe shortage of interpreters (as of June 2024, 69 interpreters were available across reception facilities, resulting in one interpreter for every 267 people. 20 out of 32 structures have one or no interpreter, which is particularly problematic given the need for multiple languages in each camp.⁹⁹

In addition, the main interpretation provider, METAdrasi, ceased operations between May- December 2024 due to delayed payments by the government, leaving applicants unable to register claims, attend interviews, lodge appeals, or renew documentation.¹⁰⁰

⁹⁵ see for example Siros Administrative court AP21/2023 6 October 2023 (On generalised de facto detention); Kaval Administrative Court AP300/2023 10 March 2023 (on delay of up to 5 years and detention)

⁹⁶ The Greek Ombudsman, The challenge of migration flows and refugee protection, May 2024, p. 123; Greek Ombudsman, Special Report on the Return of Foreign Nationals 2022 (available in Greek), p. 25; see also AIDA, 2024, p 242.

⁹⁷ Human Rights Council, Report of the Working Group on Arbitrary Detention on its visit to Greece, 29 July 2020, A/HRC/45/16/Add.1.

⁹⁸ Greek Ombudsman, Special Report on the Return of Foreign Nationals 2024 (available in Greek <https://www.synigoros.gr/el/category/ekdoseis-ek8eseis/post/eidikh-ek8esh-or-epistrofes-allodapwn-2024>), 46.

⁹⁹ <https://rsaagean.org/en/stats-reception-of-asylum-seekers-jun-24/>

¹⁰⁰ <https://www.equallegalaid.org/lack-of-interpretation-services/>; <https://metadrasi.org/en/signing-of-contracts-for-the-provision-of-interpretation-services/>

Some authorities asked applicants to sign declarations, stating that they understood Greek, or required them to rely on third parties for interpretation (such as other refugees).¹⁰¹ The issue was reported by Human Rights Watch as early as 2018.¹⁰²

Problems with formalising claims on the mainland due to online platform: Asylum seekers on the mainland face considerable difficulties in formalising their asylum applications due to issues with using the online application platform, which was introduced in 2022. Individuals seeking to submit an asylum application on the mainland should initially schedule an appointment through an online platform and then present themselves at one of the two registration facilities in Diavata (Thessaloniki) or Malakasa (Attica) to complete the application registration process. The platform is available online in twelve languages (Greek, Kurmanji, Albanian, Georgian, Arabic, Bengali, Dari, English, Farsi, Pashto, Turkish and Urdu).¹⁰³ However, access to the online platform is not always possible due to malfunctions or appointments are available months later.¹⁰⁴ These obstacles result in delayed applications meaning that applicants have no access to their rights as asylum seekers. Upon presenting themselves at the registration facilities, applicants are subject to de facto detention for up to 25 days.¹⁰⁵

Prior to the platform that was operationalised in 2022 applicants on the mainland and other areas without an operational RIC or CCAC had to call the Greek Asylum Service on Skype to pre-register themselves and receive an appointment. Applicants experienced delays averaging 14 months and up to more than two years. People also reported a lack of information about the system and having to rely on word of mouth.¹⁰⁶

Lack of procedural guarantees for vulnerable groups: Systemic deficiencies in asylum processes mean that even when a claimant makes an application, there is a lack of certainty and a lack of procedural guarantees to ensure effective access to asylum. Procedural deficiencies are important as first-instance rejections include a removal order, which means an increased risk of refoulement. One example includes the widespread use of accelerated procedures, and the processing of claims without adequate procedural safeguards or disregarding special procedural guarantees in place for vulnerable groups. Although not always, the use of an accelerated border process and lack of access to procedural safeguards can result in impeded access to the formalization of asylum claims or result in an automatic rejection of asylum claims as inadmissible.¹⁰⁷

Procedural barriers in launching and processing a claim can be particularly detrimental to certain groups, such as unaccompanied minors. Procedural deficits such as the absence of a guardian, the absence of appropriate legal representation and no provision of legal aid during the process, coupled with substantial deficits regarding the determination of refugee status (lack of any reference to the Best Interest of the Child or lack of assessment thereof, obvious lack of knowledge regarding forms of child persecution in general and in countries of origin in particular or the lack of a proper assessment of a minor's credibility),

¹⁰¹ RSA, Major deficiencies in the provision of interpretation services in Greece Even asylum interviews are no longer being conducted; <https://rsaagean.org/en/major-deficiencies-in-the-provision-of-interpretation-services-in-greece/#:~:text=In%20refugee%20camps%20on%20both,multiple%20languages%20at%20each%20camp.>

¹⁰² <https://www.hrw.org/news/2018/07/27/greece-inhumane-conditions-land-border>.

¹⁰³ <https://applications.migration.gov.gr/>

¹⁰⁴ For example, between May and August 2023, the platform stopped operating. Delays in scheduling appointments concerning Malakasa RIC were reported up to early 2024, AIDA Country report 2024, p. 176-177.

¹⁰⁵ (AIDA 67)

¹⁰⁶ Mobile info team, Lives on Hold, Access to Asylum on Mainland Greece, Crete and Rhodes, November 2021, <https://www.mobileinfoteam.org/livesonhold>, p. 4.

¹⁰⁷ See for example Equal Rights Beyond Borders, HIAS Greece & Refugee Support Aegean, The State of the Border Procedure on the Greek Islands, September 2022, available at: <https://rsaagean.org/en/border-procedure-greek-islands/> <accessed 27 May 2025>, page 17, case HLES18: A highly vulnerable Afghan family, including an 83-year-old man with dementia, a 61-year-old quadriplegic woman, and a 15-year-old girl who survived sexual violence, was denied proper medical and vulnerability assessments during Greece's asylum procedure. Despite their severe condition, they were called to an asylum interview just one day after registering. Their application was rejected based on the assumption that their adult son, also an asylum seeker, could support them in Türkiye, despite his own pending case. The family had no legal or medical support until the appeal stage.

make it almost impossible for unaccompanied minors undergoing the procedure themselves to qualify for international protection.¹⁰⁸

In 2022 only 981 out of 3,175 asylum applications lodged by unaccompanied children were accepted.¹⁰⁹ Unaccompanied minors accounted for 2,937 (of which 42 are subsequent) applications in 2023 with only 1,163 having received positive decisions.¹¹⁰ However, as some decisions carry over from previous years and the number of negative decisions is not publicly available it is not possible to estimate the actual scale of the issue.¹¹¹ It is important to note that the remaining applications were either rejected or remain in a lengthy asylum process making unaccompanied minors subject to insecurity and exploitation.¹¹²

Additionally, the first-instance asylum system in Greece often fails to recognise and support survivors of torture and sexual/gender-based violence (SGBV). Article 67, Law 4939/2022 limits certification to public authorities. Reports confirm that hospitals and forensic services systematically refuse certification due to lack of expertise.¹¹³ NGO findings are not officially accepted by the asylum service, leaving survivors without valid certification and at risk of having their claims dismissed as “not credible.”¹¹⁴ Consequently, asylum claimants have to go through the appeals process and potentially judicial review for their applications to be properly reviewed on their merits.

Lack of access to appeal process/effective remedy: Access to the appeal process is important for people whose applications (or subsequent applications) fail at first instance, particularly those that are deemed automatically inadmissible due to the designation of Türkiye as a safe third country without an individualised or practical assessment. Additionally, deficiencies in the first instance process make the appeal process even more important. Such deficiencies of first instance processes include for example disregarding vulnerabilities resulting in applications that are not properly assessed or are deemed inadmissible, as described above. The percentage of success at first instance was 79% in 2024 and 76% in 2023. 12,039 appeals were decided in 2024, and 10,973 appeals were decided in 2025.¹¹⁵ A significant number of people therefore rely on the appeals process for effective access to a merits review of their application.

Nevertheless, access to an appeal is significantly impeded by procedural barriers. Recognition at the second instance is significantly low for example (11.6% for example in 2022 and 6.59% in 2023, 10.1% in 2024).¹¹⁶ The appeals process is complex and requires legal support: appeals must be made in written form in Greek and explain specific grounds. Appeals under the accelerated procedure or for cases dismissed as inadmissible do not have automatic suspensive effect and must be accompanied by a request for suspension of removal. An application for suspension of the removal order has to be made separately, with the risk of *non-refoulement*.

Other unnecessary administrative obligations include for example the requirement to appear in person to make an appeal and the requirement to provide a certificate of residence in the reception facility – an

¹⁰⁸ AIDA Country Report 2023, p. 140, 142.

¹⁰⁹ “WITHOUT PAPERS, THERE IS NO LIFE”, Legal barriers in access to protection for unaccompanied children in Greece, Greek Council for Refugees and Save the Children International, May 2023, p.3.

¹¹⁰ <https://asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>

¹¹¹ <https://asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>

¹¹² “WITHOUT PAPERS, THERE IS NO LIFE”, Legal barriers in access to protection for unaccompanied children in Greece, Greek Council for Refugees and Save the Children International, May 2023, p.3.

¹¹³ FENIX – Humanitarian Legal Aid, Unrecognised Vulnerability- Greece’s systematic failure to identify and certify Victims of Torture, pp. 17-19.

¹¹⁴ Courts have intervened, notably in *Decision 147/2022* (Sierra Leone applicant) and *Decision 593/2023* (Iraqi family), annulling rejections where medical or torture evidence was ignored, and referrals were not made.

¹¹⁵ Asylum procedure statistics in 2024, <https://rsaegean.org/en/asylum-procedure-statistics-in-greece-2024/>; Asylum procedure statistics in 2023, <https://rsaegean.org/en/greek-asylum-stats-2023/>.

¹¹⁶ AIDA country report 2023, p. 79; Refugee Support Aegean, Asylum procedure statistics in Greece 2024, May 2025, available at: <https://rsaegean.org/en/asylum-procedure-statistics-in-greece-2024/> <accessed 17 May 2025>.

unnecessary administrative hurdle likely inconsistent with EU law: 1,610 appeals were dismissed due to failure on the part of the appellant to appear in person or to submit a certificate of residence in due time upon examination of the appeal, even though such failure is often attributed to a lack of capacity on the part of the authorities. This rule poses serious risks to the right to an effective remedy insofar as it results in dismissal of appeals regardless of the appellants' protection needs. The legality of this rule was the subject matter of a preliminary reference before the CJEU.¹¹⁷ After the issuance of this decision, the practise has changed. The applicant can present his/herself before the closest Asylum Office and declare his/her interest in the appeal being examined. Appeals against decisions rejecting the application in the accelerated procedure or as inadmissible under certain grounds do not have an automatic suspensive effect, even though these decisions also incorporate a return decision with immediate effect.¹¹⁸ Finally, notifications of negative decisions at first instance are provided only by email. With short deadlines for lodging appeals, this often leads to a lack of prompt communication, and expiration of deadlines for appeals¹¹⁹.

2. *Time*: Procedural deficiencies generally existed over the years, but legislative changes intensified issues from 2020 onwards.

3. *Place*: Generally applicable

4. *Actors*: All relevant administrative and judicial actors (including reception and identification service, asylum service, and courts).

5. *Interaction*: Procedural barriers lead to prolonged detention in reception facilities due to delays in the process. Similarly, being in detention causes difficulties in launching application. For example, the lack of interpretation services in RICs, as well as in pre-removal detention centres where some arrivals are held, is a barrier to making an asylum application.¹²⁰

6. *Development*: Following the July 2019 elections, the new government announced a more restrictive policy on migration and asylum. As a result, the national asylum legislation was radically re-amended. Asylum Code L. 4636/2019 was adopted on 1 November 2019 and entered into force on 1 January 2020, replacing the previous legislation on asylum and reception. The changes are accused of introducing substantive and procedural hurdles to accessing asylum.¹²¹

7. *Rationale*: Ministry of Migration and Asylum, "Improvement of migration legislation" bill: amendments aimed at speeding up asylum procedures and at "responding to practical challenges in the implementation of the law".¹²²

8. *Legal Status*: Legal status varies based on the mode of making an application and the stage of the application. If considered an asylum seeker, then the person is protected from refoulement, but appeals against decisions rejecting the application in the accelerated procedure or as inadmissible under certain grounds do not have automatic suspensive effect.

9. *Specific Impact*: Procedural barriers are particularly detrimental to vulnerable groups (see functioning above for example on unaccompanied minors and survivors of torture/SGBV).

10. *Reach*: See functioning for effect of different procedural barriers

11. *Source*: International Protection Act

12. *Justification*: See above on rationale

¹¹⁷ (Al Nasiria, Oct 2023) (<https://rsaegian.org/en/greek-asylum-stats-2023/>; see also country report https://asylumineurope.org/wp-content/uploads/2024/06/AIDA-GR_2023-Update.pdf, p 83)

¹¹⁸ (AIDA Country report, 2023)

¹¹⁹ <https://www.equallegalaid.org/wp-content/uploads/2022/10/EJA-Final-Report-2.pdf>

¹²⁰ See detention section above for details.

¹²¹ (AIDA country report 2023)

¹²² (AIDA 2023 country report, 32.)

13. *Domestic and International Reactions*: The law has been repeatedly and heavily criticised by national and international human rights bodies, including the Greek Ombudsman, the Greek National Commission for Human Rights (GNCHR), UNHCR, and several civil society organisations. It has been categorised, inter alia, as an attempt to lower protection standards and create unwarranted procedural and substantive hurdles for people seeking international protection. As noted by UNHCR, the new law reduces safeguards for people seeking international protection and creates additional pressure on the overstretched capacity of administrative and judicial authorities. The agency stated inter alia that “as a result, asylum seekers may be easily excluded from the process without having their international protection needs adequately assessed. This may expose them to the risk of refoulement”.¹²³ Unlike other obstacles, procedural deficits are addressed by domestic courts to an extent but not consistently.

The ECtHR of human rights has also condemned the difficulty of accessing asylum procedures for unaccompanied minors in *M.Y. and others v. Greece*, application no. 51980/19 and 5 other cases, and *A.I. and others v. Greece*, application no. 11588/20 and two other cases.

14. *Externalization*: No relevant information.

15. *Technology*: IT platforms (for instance, Skype appointment for asylum applications functioning since 2014) represented an additional obstacle for formalizing the asylum application. In 2022, a new IT platform was implemented for asylum applications in the mainland, but it revealed large problems, limiting the possibility for asylum seekers to book their appointment¹²⁴.

16. *Other*: no additional information.

STC as a procedural barrier

Summary: Since 2022, there have been 3 countries considered as STC in Greece: Türkiye for the 5 nationalities, and Albania and North Macedonia for all nationalities. STC application – specifically procedural deficiencies connected to the designation of Türkiye as a safe third country that result in automatic rejection of cases as inadmissible and is further complicated by the refusal of Türkiye to accept any returns.

1. *Functioning*: Greece began using the STC concept in 2016, following the conclusion of the EU-Türkiye deal. In 2021, Greece created a national list of safe third countries, which consolidated the practice. In 2021 Türkiye was designated as an STC for applicants from Syria, Afghanistan, Pakistan, Bangladesh, and Somalia.¹²⁵ The number of dismissed asylum claims for the above-mentioned nationalities based on STC grew exponentially following this development.¹²⁶ In March 2025, the Council of State annulled the decision to designate Türkiye as STC.¹²⁷ However, a new ministerial decision following the judgment

¹²³ (AIDA country report 2023, 31-33; UNHCR, Intervention at the hearing for actors to the Standing Committee of Public Administration, Public Order and Justice of the Hellenic Parliament regarding the Draft Law on the Improvement of Migration Legislation’, 9 May 2020).

¹²⁴ <https://reliefweb.int/report/greece/new-asylum-seeker-registration-procedure-begins-today-and-already-capacity-people-will-be-forced-remain-undocumented-14-months-they-wait-appointment-diavata-or-malakasa>

¹²⁵ Joint Ministerial Decision of the Deputy Minister of Foreign Affairs and the Minister of Migration and Asylum, 7 June 2021 (42799/03.06.2021, Gov. Gazette 2425/B/7-6-2021. North Macedonia and Albania were also designated as safe third countries, but the majority of cases deemed inadmissible come from applicants from Syria, Afghanistan, Pakistan, Bangladesh and Somalia and relate to Türkiye, Greece Country Report, Asylum Information Database (AIDA), 2023 update, available at: <https://asylumineurope.org/reports/country/greece/> [accessed 12/05/2025], page 155.

¹²⁶ M. Mouzourakis, The concept of 'safe third country': legal standards and implementation of the Greek asylum system', February 2024, Report for Pro-ASYL, available at: https://rsaagean.org/wp-content/uploads/2024/02/PROASYL_RSA_SafeThirdCountry-1.pdf [accessed 01/05/2025], p. 5-6

¹²⁷ Announcement by the President of the Council of State regarding the outcome of the deliberation on cases discussed in the Plenary Session on February 7, 2025, concerning the designation of Türkiye as a safe third country, 21 March 2025 available in Greek at: https://www.adjustice.gr/webcenter/portal/ste/pageste/epikairoτητα/anakoinwseis-proedrou?centerWidth=65%25&contentID=SNEWS-TEMPLATE1742568296785&leftWidth=0%25&rightWidth=35%25&showFooter=false&showHeader=true&_adf.ctrl-

renewed the designation.¹²⁸ The latest ministerial decision is subject to further judicial review.¹²⁹ Because of the latest decision, however, asylum applications continue to be rejected as inadmissible despite the lack of prospect of return to Türkiye.¹³⁰

The first issue is the general manner of application of the STC concept by Greek authorities. Claims for international protection that fall under the STC concept are examined exclusively in relation to that concept and not on the merits of the protection claim, unless the safety of the third country is successfully challenged.¹³¹ Additionally, Article 91(2) of the Asylum Code provides that a country designated as STC is presumed to be safe. First-instance decisions rejecting applications as inadmissible due to STC are often based on standardised templates and often use outdated or inaccessible information sources.¹³² Claims are therefore deemed inadmissible without an individualised assessment of the safety of the third country, as required by EU law.¹³³ Where the safety of Türkiye has been challenged, the results are inconsistent. For example, in some cases, Türkiye was considered to be unsafe for women, girls, and children due to the risk of sexual and gender-based violence, societal discrimination, and the risk of exploitation and child labour, whereas on other occasions, similar cases were still found to be inadmissible as Türkiye was deemed as STC.¹³⁴ The practice results in difficulties making an appeal due to incomplete or inaccessible evidence provided in the initial decisions, delays in submitting a protection claim, and prolonged detention.

The second issue is the Greek authorities' failure to adjust their practices in light of Türkiye's unilateral suspension of returns of asylum seekers from Greece since 2018.¹³⁵ Greek authorities continue to reject asylum applications as inadmissible on the basis of Türkiye's designation as STC without consideration of the impossibility of re-admission in Türkiye. At the stage of enforcing the decisions, Greek authorities are compelled to conclude that readmission is not possible, as Turkish authorities have systematically failed to respond to return requests.¹³⁶ It is then for the applicant to make a 'subsequent application' for international protection. Subsequent applications must present new elements in order to be considered as admissible at first instance.¹³⁷

Applicants face delays in the registration of their subsequent application, resulting in prolonged detention, and are subject to removal as subsequent applications do not have automatic suspensive effect.¹³⁸ In addition, authorities have deemed that the lack of prospect of readmission to Türkiye does not constitute

[state=58mk924u0_181&_afzLoop=6910764666343617#%40%40%3F_afzLoop%3D6910764666343617%26centerWidth%3D65%2525%26contentID%3DSNEWS-TEMPLATE1742568296785%26leftWidth%3D0%2525%26rightWidth%3D35%2525%26showFooter%3Dfalse%26showHeader%3Dtrue%26_adf.ctrl-state%3D4wxdz9x8e_54](https://migration.gov.gr/i-toyrkia-paramenei-asfalis-triti-chora-gia-toys-aitoyntes-asylo/) [accessed 01/05/2025]

¹²⁸ Joint Ministerial Decision of the Deputy Minister of Foreign Affairs and the Minister of Migration and Asylum, 8 April 2025 (16593/08.04.2025, Gov. Gazette 1727/B/8-5-2025); see also Press Release regarding Türkiye's re-designation as a Safe Third Country, 09 April 2025, available in Greek at: <https://migration.gov.gr/i-toyrkia-paramenei-asfalis-triti-chora-gia-toys-aitoyntes-asylo/> [accessed 01/05/2025]

¹²⁹ <https://rsaegean.org/en/Turkiye-as-safe-third-country-for-refugees-returns-to-the-council-of-state/>.

¹³⁰ See a number of appeal cases upholding the right to have a merits review in light of the lack of prospects to return to Türkiye and cancelling first instance inadmissibility decisions decided in 2025: Greek Asylum Case Law Report | Issue 1/2025, available in Greek: <https://rsaegean.org/en/greek-asylum-case-law-report-issue1-2025/>, 9-15.

¹³¹

¹³² For detailed information see M. Mouzourakis, 'The concept of 'safe third country': legal standards and implementation of the Greek asylum system', February 2024.

¹³³ Directive 2011/95/EU (Recast Qualification Directive), Article 4(3)(b) and (c)

¹³⁴ For cases see M. Mouzourakis, 'The concept of 'safe third country': legal standards and implementation of the Greek asylum system', February 2024, Report for Pro-ASYL, page 24-25; AIDA Country Report 2023, page 165.

¹³⁵ European Commission, 2023 Türkiye Report, SWD (2023) 696, 8 November 2023, p. 53.

¹³⁶ M. Mouzourakis, 'The concept of 'safe third country': legal standards and implementation of the Greek asylum system', p. 31.

¹³⁷ Article 94(4), Asylum Code

¹³⁸ Equal Rights Beyond Borders, HIAS Greece & Refugee Support Aegean, 'The State of the Border Procedure on the Greek Islands', September 2022, available at: <https://rsaegean.org/en/border-procedure-greek-islands/> <accessed 27 May 2025>, p. 22-23.

per se a new element, and other new and substantial elements must be invoked.¹³⁹ The majority of subsequent applications are successful on the basis that the applicant lacks a connection to the third country due to the lapse of 12 months or more from entry into Greece and not because of the law of re-admission prospects.¹⁴⁰

2. *Time*: 2016 – present. Issue continues even after 2018 when Türkiye unilaterally suspended returns from Greece.

3. *Place*: Eastern Aegean Islands.

4. *Actors*: Asylum service; administrative bodies and judicial bodies.

5. *Interaction*: Externalisation; procedural barriers: difficulty accessing an effective remedy (appeals) and difficulty in making subsequent application; administrative detention which is prolonged due to impossibility of return.

6. *Development*: Despite Türkiye not accepting asylum seekers since 2020, Türkiye was re-designated as STC by Greek authorities in 2021. The designation has been challenged before the Council of State in 2023, which made a preliminary reference to the CJEU. The Council of State inquired whether, under EU law, a third country can be designated or considered “safe” for asylum seekers when readmission is not occurring in practice, and whether the feasibility of readmission must be assessed at the general designation stage, the individual decision stage, or only at enforcement. The CJEU held that the refusal of readmission of asylum seekers does not disqualify a country from being listed as a ‘safe third country’ because the Procedures Directive does not explicitly require consideration of the readmission issue at the time of designation. However, it held that ‘where it is established that the third country designated as generally safe by a Member State does not in fact admit or readmit the applicants for international protection concerned, that Member State cannot reject their applications for international protection as inadmissible on the basis of Article 33(2)(c) of Directive 2013/32’.¹⁴¹ In its final judgment, the Council of State ruled that the Joint Ministerial Decision designating Türkiye as a safe third country did not adequately assess the legal criteria required under Article 91 of Law 4939/2022 (transposing Article 38 of Directive 2013/32/EU). Specifically, the supporting documentation, notably the recommendation by the Head of the Asylum Service, merely listed international sources without properly evaluating their content against the legal conditions necessary to justify Türkiye’s designation as a safe third country for the specified categories of applicants.¹⁴² Following the judgment, a ministerial decision re-designated Türkiye as a safe third country.¹⁴³ The latest ministerial decision is subject to further judicial review.¹⁴⁴ Because of the latest decision, however, asylum applications continue to be rejected as inadmissible despite the lack of a prospect of return to Türkiye.¹⁴⁵

¹³⁹ Equal Rights Beyond Borders, HIAS Greece & Refugee Support Aegean, The State of the Border Procedure on the Greek Islands, September 2022, available at: <https://rsaegean.org/en/border-procedure-greek-islands/> <accessed 27 May 2025>, p. 23.

¹⁴⁰ M. Mouzourakis, ‘The concept of ‘safe third country’: legal standards and implementation of the Greek asylum system’, p. 34.

¹⁴¹ C-134/23 - Elliniko Symvoulío gia tous Prosfyges and Ypostirixi Prosfygon sto Aigaio, 4 October 2024, para 54.

¹⁴² Announcement by the President of the Council of State regarding the outcome of the deliberation on cases discussed in the Plenary Session on February 7, 2025, concerning the designation of Türkiye as a safe third country, 21 March 2025.

¹⁴³ Joint Ministerial Decision of the Deputy Minister of Foreign Affairs and the Minister of Migration and Asylum, 8 April 2025 (16593/08.04.2025, Gov. Gazette 1727/B/8-5-2025)

¹⁴⁴ <https://rsaegean.org/en/Turkiye-as-safe-third-country-for-refugees-returns-to-the-council-of-state/>.

¹⁴⁵ See a number of appeal cases upholding the right to have a merits review in light of the lack of prospects to return to Türkiye and cancelling first instance inadmissibility decisions decided in 2025: Greek Asylum Case Law Report | Issue 1/2025, available in Greek: <https://rsaegean.org/en/greek-asylum-case-law-report-issue1-2025/>, 9-15.

7. *Rationale*: The most recent ministerial decision re-designating Türkiye as STC emphasised the application of the Safe Third Country provisions of Directive 2013/32/EU as a key tool to support the management and examination of potentially inadmissible asylum claims.¹⁴⁶

8. *Legal Status*: As no readmission takes place, refugees whose applications have been/are rejected as inadmissible based on the “safe third country” concept end up in a state of legal limbo in Greece and are exposed to a direct risk of destitution and detention, without access to a merits examination of their asylum application.¹⁴⁷

9. *Specific Impact*: The STC concept applies to all asylum seekers; Türkiye was specifically designated as a safe third country for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh, and Somalia.

10. *Reach*: Figures show that between 2021 and 2023 Greece has found over 10,000 asylum claims inadmissible, considering Türkiye a ‘safe third country’ for asylum seekers.¹⁴⁸ In 2023, according to data from the Ministry of Migration and Asylum, 3,454 first-instance and 1,319 second-instance inadmissibility decisions were issued.¹⁴⁹ In 2024, 2090 cases were dismissed at first instance as inadmissible based on Türkiye’s designation as STC, and 1,167 were dismissed as inapplicable on appeal. 235 subsequent applications regarding claims initially dismissed on the basis of STC were also dismissed as inadmissible.¹⁵⁰ Türkiye has not accepted any returns since 2020.

Between April 2016 and 31 March 2020, 2,140 individuals were returned to Türkiye based on the EU-Türkiye Statement.

11. *Source*: EU-Türkiye deal; Articles 91 and 92 of the Asylum code; Joint Ministerial Decision of the Deputy Minister of Foreign Affairs and the Minister of Migration and Asylum 2021 and 2025 designating Türkiye as STC.

12. *Justification*: As above (on externalisation)

13. *Domestic and International Reactions*: The designation of Türkiye as STC has been criticised domestically by relevant actors, as well as the Council of State, which annulled the decision in 2025. The Greek Ombudsman highlighted that: ‘if readmission to that country is not possible, the application must be examined by the Greek authorities on the merits. Otherwise, this creates a perpetual cycle of admissibility assessments of applications for international protection, without ever examining their merits and without readmission to seek protection in the safe third country being possible.’¹⁵¹ The European Court of Human Rights (ECtHR) prohibited the deportation of individuals who had been denied access to asylum on 14 August 2025 and 29 August 2025.

14. *Externalization*: the procedure was developed for the first time to implement the EU-Türkiye deal. However, it now works independently to that framework, regulating the process of asylum applications in the country despite the end of returns to Türkiye.

15. *Technology*: No relevant information.

16. *Other*: No additional information.

¹⁴⁶ Press Release regarding Türkiye’s re-designation as a Safe Third Country, 09 April 2025, available in Greek at: <https://migration.gov.gr/i-toyrkia-paramenci-asfalisi-triti-chora-gia-toys-aitoyntes-asylo/> [accessed 01/05/2025]

¹⁴⁷ AIDA country report 2023.

¹⁴⁸ M. Mouzourakis, ‘The concept of ‘safe third country’: legal standards and implementation of the Greek asylum system’, February 2024, p. 6.

¹⁴⁹ AIDA Country Report 2023, page 156.

¹⁵⁰ Refugee Support Aegean, Asylum procedure statistics in Greece 2024, May 2025, available at: <https://rsaegaeon.org/en/asylum-procedure-statistics-in-greece-2024/> <accessed 17 May 2025>

¹⁵¹ Greek Ombudsman, Letters 301551/41050/2021 and 301755/41017/2021, 22 July 2021 in RSA, Greece, arbitrarily deems Türkiye a ‘safe third country’ in flagrant violation of rights, February 2022, available at: <https://bit.ly/3iIFsen>, p. 5

Suspension of the right to asylum

Summary: The measure involved the suspension of access to asylum for all refugees arriving in Greece via North Africa. This provision, imposed through an amendment to a bill of the Ministry of Development, meant that refugees entering the country, particularly those arriving on Crete and Gavdos, were unable to register their asylum claims. This practice was carried out despite individuals personally submitting written applications or administrative appeals to police authorities or the Asylum Service.

1. *Functioning:* From July to October 2025, individuals arrived from Libya to Crete and Gavdos were unable to register their asylum claims, even when they personally submitted written applications or administrative appeals to police authorities and/or the Asylum Service. Instead, they were considered irregular migrants and transferred to detention centres for return. RSA mentioned that while in the return procedures, migrants did not have access to effective remedies¹⁵². Particularly, they explain that notification forms for return decisions were available to lawyers with the same “date of notification” (31/07/2025) and an identical remark “refused” where the detainee’s signature should have been, suggesting fictitious notification. None of the detained individuals received free legal assistance from the state to appeal the deportation decisions issued against them, a critical lack highlighted by the Plenary of the Greek Bar Associations. Detainees were often asked to sign documents, including notification forms for deportation decisions, without knowing the contents, as no interpretation was provided. Where interpretation was needed, it was provided informally by fellow detainees. The handling of appeal procedures varied arbitrarily between facilities. In Sintiki, ‘late’ appeals were deemed admissible and examined on their merits, whereas in Amygdaleza, appeals submitted late were dismissed without examination of their substance.
2. *Time:* The suspension was imposed for a three-month period, from 14 July 2025 to 14 October 2025.
3. *Place:* The suspension measure specifically affected refugees entering the country through North Africa, which in practice meant arrivals on the islands of Crete and Gavdos.
4. *Actors:* the authorities involved are the Greek government, police authorities and/or the Asylum Service.
5. *Interaction:* The suspension was executed through the systematic application of blanket immigration detention. Around 2,000 people were placed under prolonged and unjustified administrative detention without prospects or protection. Everyone arriving was automatically placed under administrative detention without the possibility of applying for asylum and without being informed of their rights. Most detainees were transferred to closed facilities in Amygdaleza and Sintiki, characterized by conditions of severe violations of basic human rights¹⁵³.
6. *Development:* additional research is needed to monitor future developments. However, RSA¹⁵⁴ argues that even after the suspension ended on 14 October 2025, normality was not restored. While the Police collected written “declarations of intent,” treatment still varied based on nationality and detention location. Many people were subsequently left without reception conditions, shelter, information, or effective access to the asylum procedure, or they continued to be detained without a clear legal basis.
7. *Rationale:* The rationale was to prevent future departures along this new route (the Libyan-eastern Aegean route) and to limit the number of asylum applications.
8. *Legal status:* Migrants irregularly entering Greece.
9. *Specific impact:* Only nationals of Sudan, South Sudan, and Eritrea were later transferred to the Reception and Identification Centres (RIC) of Malakasa and/or Diavata, despite limits in this practice (see special impact). Although the authorities created a regime of “exceptions” (for vulnerable groups, later Sudanese and Eritrean nationals) contained in unpublished, ‘confidential’ circulars, which were not shared even upon

¹⁵² <https://rsaegean.org/en/suspension-of-asylum-in-greece-rights-violations/>

¹⁵³ <https://gcr.gr/en/news/item/choris-dikaioma-asyloy-kai-se-athlies-synthikes-episkepsi-toy-esp-sto-prokeka-amygdaleza-gia-toys-prosfata-afichthentes-sti-gaydo/>

¹⁵⁴ <https://rsaegean.org/en/suspension-of-asylum-in-greece-rights-violations/>

formal request. This non-transparent framework resulted in inconsistent practices and arbitrary decision-making¹⁵⁵

10. *Reach*: Sources speak of around 2000 people, who were put under detention for irregular entry without the possibility of accessing asylum while entering Greece through the Libyan-eastern route¹⁵⁶.

11. *Source*: the suspension of asylum was formally introduced through an amendment to a bill of the Ministry of Development and codified in Article 79 of Law 5218/2025 (Official Gazette 125/A/14-7-2025)¹⁵⁷. The controversial suspension passed by an overwhelming vote of 177-74.

12. *Justification*: The government framed the measure as a necessary intervention to limit the arrival of irregular migrants and fight against human trafficking and smuggling. For instance, “Greece is not an open transit route. The journey is dangerous, the outcome uncertain, and the money paid to smugglers is ultimately wasted. Illegal entries will not lead to legal residence,” Mitsotakis told the German tabloid BILD.

13. *Domestic and international reactions*: As reported by GCR¹⁵⁸, “among others, the [Ombudsman](#), the [Greek National Commission for Human Rights](#), the [UN High Commissioner for Refugees](#), the [Association of Administrative Judges](#), the [Commissioner for Human Rights of the Council of Europe](#) as well as [109 human rights organizations, including the GCR](#), have emphasized that the recent amendment, which suspends access to asylum for three months, is not in line with international refugee law, international human rights law, and EU law, which are binding on Greece, without providing for any derogation from their application”. Relevant court decisions from the European Court of Human Rights¹⁵⁹ and the national courts (e.g., the administrative court of Piraeus¹⁶⁰) issued interim measures condemning the practice.

14. *Externalization*: No related information available.

15. *Technology*: No related information available (see detention).

16. *Other*: No additional information.

B. Barrier of specific relevance for the jurisdiction

Criminalisation of people on the move

1. *Functioning*: People on the move experience strong criminalization in Greece, which can hinder their access to asylum. First, they risk being subject to criminal prosecution for smuggling. Upon arrival, migrants identified as drivers are immediately arrested, separated from their groups, and placed in pre-trial detention, which averages eight months. This prevents individuals from accessing asylum because the asylum procedure is typically put on hold while criminal cases are ongoing; authorities often issue no decision until a final verdict is reached. Additionally, detention and isolation make it nearly impossible for the accused to access legal counsel, interpretation, or NGOs that could assist with their asylum applications¹⁶¹. Recently, criminalization has increased with national law providing criminal sanctions for irregular entry and stay (Law no. 5226/2025). The law provides offences of illegal entry, exit, and stay by a term of imprisonment of at least two years, which can be avoided only if the person agrees to voluntarily leave the country. Greece, with relevant risks of reducing the actual possibility for people to register their asylum application.

¹⁵⁵ <https://rsaegcan.org/en/suspension-of-asylum-in-greece-rights-violations/>

¹⁵⁶ <https://rsaegcan.org/en/suspension-of-asylum-in-greece-rights-violations/>

¹⁵⁷ <https://www.edd.gr/index.php/currentaffairs/press-releases/453-deltio-typou-gia-tin-tropologia-peri-anastolis-tis-ypovolis-aitiseon-xorigisis-asyloy>

¹⁵⁸ <https://gcr.gr/en/news/item/choris-dikaionoma-asyloy-kai-se-athlies-synthikes-episkepsi-toy-esp-sto-prokeka-amygdalezas-gia-toys-prosfata-afichthentes-sti-gaydo/>

¹⁵⁹ <https://rsaegcan.org/en/ecthr-blocks-greece-refugee-deportations-asylum-suspension/>

¹⁶⁰ <https://equal-rights.org/articles/159>

¹⁶¹ <https://extranet.greens-efa-service.eu/public/media/file/1/8433>

2. *Time:* The systematic prioritization of the “fight against smuggling” became a top priority of European migration policy in 2015. The practice is still in use, with the report documenting 2,154 people detained for smuggling as of February 2023¹⁶². There is no mention of a planned termination; rather, the report emphasizes that thousands remain trapped and more arrests occur weekly.
3. *Place:* The barrier is implemented at the main entry points to Greece, both at the land border in the Evros region and on the Aegean islands (including Lesbos, Samos, Chios, Rhodes, Crete, Syros, and Kalamata)¹⁶³. Regarding the criminalization of illegal entry and stay, there is no official information available.
4. *Actors:* The key institutional actors implementing the barrier are the Greek Police, border guards, and the Hellenic Coast Guard/port authorities. International actors include the European Commission, which sets policy priorities, and Frontex, which includes the fight against smuggling as a key task. Important actors are also prosecutors and criminal courts.
5. *Interaction:* The barrier interacts with the lack of safe and legal entry routes, which forces migrants to rely on smuggling services to cross borders. It further interacts with the prison system, where poor conditions, lack of interpretation, and isolation from support networks prevent migrants from effectively pursuing their rights as asylum seekers.
6. *Development:* Historically, Greek anti-smuggling laws have gradually tightened over three decades. A pivotal shift occurred in 2009, when the offence was upgraded from a misdemeanor to a felony, significantly increasing penalties. Since 2015, political pressure from the EU, including threats to exclude Greece from the Schengen-Zone, has encouraged a migration approach focused on stopping arrivals through these harsh measures.¹⁶⁴ Regarding the criminalization of irregular entry and stay. Article 83 of the Immigration Act already provided for penalties for third-country nationals who exit or attempt to exit Greece or enter or attempt to enter Greece without legal formalities. The law provided for imprisonment of at least three months and a fine of at least € 1,500. The 2025 law, adopted in September 2025 increased for at least 2 years of imprisonment and 5000 euros of fine.
7. *Rationale:* The stated purpose of these policies is to combat criminal networks. The Greek government and EU authorities officially promote these measures as a means of fighting organized crime. Regarding irregular entry, the reform introducing the offence frames the need for the measure as a security measure.
8. *Legal Status:* The individuals subject to the barrier have an irregular status.
10. *Reach:* In 2022 alone, at least 1,374 people were arrested for smuggling. As of February 2023, people convicted or accused of smuggling formed the second-largest group by crime in Greek prisons¹⁶⁵. Regarding the criminalization of irregular stay and entry, there is no available information at the moment of writing.
11. *Source:* The domestic legal basis is primarily Law 4251/2014 (Articles 29 and 30) and Law 3386/2005 (Article 83). Regarding the criminalization of irregular entry, hard penalties are introduced by Law no. 5226/2025.
12. *Justification:* The government justifies the barrier by presenting it as a necessary part of border control and the fight against illegal migration.
13. *Domestic and International Reactions:* The practice has faced significant criticism from NGOs and human rights lawyers.

¹⁶² <https://extranet.greens-efa-service.eu/public/media/file/1/8433>

¹⁶³ <https://extranet.greens-efa-service.eu/public/media/file/1/8433>

¹⁶⁴ <https://extranet.greens-efa-service.eu/public/media/file/1/8433>

¹⁶⁵ <https://extranet.greens-efa-service.eu/public/media/file/1/8433>

III. SELECTING BARRIERS

It can be relevant to focus on procedural barriers, and particularly those related to STC. The focus is on Türkiye because it affects a large number of people. Other designated STCs include Albania and North Macedonia, and decisions based on designation suffer from the same issues (esp. Automatic assumption of safety), but a much smaller number of cases are decided based on these. Also, they don't have the same issue of refusing returns and the resulting legal limbo as Türkiye. Additionally, it will be particularly relevant to focus on pushbacks, especially to understand why national courts have not expressed concern about this systematic practice, despite international condemnations by international bodies and courts.

Despite the relevance of the suspension of the right to asylum and criminalisation of irregular entry and stay, these two barriers have not been extensively considered in the next sections of this version of the report due to their recent developments.

PART 2: CASE LAW ANALYSIS

I. IDENTIFICATION OF BARRIERS IN THE CASE LAW

A. Description of the barriers in the case law

Pushbacks at land and sea: Number: 0

Summary returns through the EU-Türkiye deal: Declaring Türkiye a “safe third country” for certain nationalities and rejecting claims as inadmissible. The Council of State's recent case concerned the designation of Türkiye as a safe third country. Other cases by appeals committees and administrative courts are concerned with the application of STC in specific cases and are addressed primarily as part of procedural barriers.

Pullbacks: Number: 0

Walls and fences: Number: 0

Detention: Cases define geographical containment and movement restrictions usually issued prior to asylum application as de facto detention; Administrative/pre-removal detention in pre-removal centres, the airport, or police cells refer to detention in light of removal. Asylum detention refers to the detention that occurs during the asylum process. 5,001 objections against detention (judicial review) were lodged before the administrative courts in 2023.¹⁶⁶ 4,701 ex officio judicial reviews of detention order extensions¹⁶⁷. The responsible courts are the first instance administrative courts

Procedural barriers: Procedural barriers vary. Cases address specific barriers in relation to specific cases. Type of body: quasi-judicial (appeals authority); Administrative Courts; Council of State.

Safe Third Country: Türkiye as a safe third country in individual cases. Number: In 2024: 2,143 first instance inadmissibility decisions, 1237 appeals (second instance); data not available on number of judicial review cases (overall 1500 judicial review cases in 2023).¹⁶⁸ Type of body: administrative (asylum service at first instance); quasi-judicial (appeals committees-second instance); administrative courts

No cases related to pushbacks at sea and land, pullbacks, and walls and fences. The reasons for the lack of cases include, but are not limited to, lack of effective complaint mechanisms, fear of retaliation, difficulty identifying perpetrators, limited investigative transparency, and difficulty in bringing judicial review cases.

In relation to pushbacks, Greek authorities deny that the practice exists despite the ECtHR condemning Greece for systematic pushbacks.¹⁶⁹ Many cases are directly referred to the ECtHR or UN Committees, due to the ineffective procedure in domestic courts.¹⁷⁰ Investigations connected to pushbacks have been closed by public prosecutors, invoking a lack of evidence.¹⁷¹ Investigations suffer from important deficiencies: victims are not always heard, officers are not properly identified or questioned, digital and satellite evidence is not examined, detention sites are not investigated, and official records often deny or

¹⁶⁶ RSA, https://rsaegean.org/wp-content/uploads/2024/05/2024-05_RSA_Detention2023_EN.pdf, p. 7.

¹⁶⁷ Article 50(5) Asylum Code reads as follows: ‘In case of prolongation of detention, the order for the prolongation of detention shall be transmitted to the President of the Administrative Court of First Instance, or the judge appointed thereby, who is territorially competent for the applicant’s place of detention and who decides on the legality of the detention measure and issues immediately his decision, in a brief record.’ However, the percentage of success is 5% (see RSA above).

¹⁶⁸ https://rsaegean.org/wp-content/uploads/2025/05/2025-05_RSA_Asylum2024_EN.pdf

¹⁶⁹ A.R.E v Greece, <https://gcr.gr/en/news/item/deltio-typoy-edda-to-dikastirio-aporriptei-to-aitima-tis-ellinikis-kyvernisis-gia-epanexetasi-tis-yypothesis-pushbacka-r-e-kata-elladas/>

¹⁷⁰ GCR’s Information Note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks, Updated on the 1st of July 2025 (<https://gcr.gr/en/news/item/1984-information-note/>)

¹⁷¹ <https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>

fail to confirm contact with victims. Disciplinary mechanisms have also produced no accountability, with no sanctions against Coast Guard or Police officials in dozens of pushback-related inquiries between 2019 and 2025.¹⁷² NGOs have also raised issues with the effectiveness of the National Transparency Authority in investigating pushbacks,

B. Institutional settings

Pushbacks:

- **First instance judicial or quasi-judicial body:** Yes ☒ No ☐
- **Second instance judicial or quasi-judicial body:** Yes ☒ No ☐
- **Third instance judicial or quasi-judicial body:** Yes ☒ No ☐

If *yes*, please provide the original name and its English translation of the judicial or quasi-judicial body/bodies: At first instance, the Naval Court of Piraeus for coastguard actions (Ναυτοδικείο Πειραιά) and in principle, Criminal courts (at first, second and third instance). Moreover, non-judicial bodies are responsible for assessing violations of pushbacks, such as the National Transparency Authority (NTA), and the Greek Ombudsman

Pullbacks:

- **First instance judicial or quasi-judicial body:** Yes ☒ No ☐
- **Second instance judicial or quasi-judicial body:** Yes ☒ No ☐
- **Third instance judicial or quasi-judicial body:** Yes ☒ No ☐

Walls and fences:

- **First instance judicial or quasi-judicial body:** Yes ☒ No ☐ Administrative courts of first instance (Διοικητικά δικαστήρια)
- **Second instance judicial or quasi-judicial body:** Yes ☒ No ☐ Administrative Court of Appeal (Διοικητικό Εφετείο).
- **Third instance judicial or quasi-judicial body:** Yes ☒ No ☐ Council of State (Συμβούλιο της Επικρατείας)

Detention:

- **First instance judicial or quasi-judicial body:** Yes ☒ No ☐ Administrative Court of First Instance (Διοικητικό Πρωτοδικείο) – ex officio review & objections against detention
- **Second instance judicial or quasi-judicial body:** Yes ☒ No ☐ objection decisions are not appealable; other detention-related acts may reach Administrative Court of Appeal (Διοικητικό Εφετείο)
- **Third instance judicial or quasi-judicial body:** Yes ☒ No ☐ Council of State (Συμβούλιο της Επικρατείας) on points of law.

¹⁷² Struggle for Accountability, The State of the Rule of Law in Greece today, January 2026, Joint NGO report, page 18-21 (available at: https://hias.org/wp-content/uploads/RoL2026_Greece_CSJ_Report.pdf)

Externalization of asylum processing:

- **First instance judicial or quasi-judicial body:** Yes ☒ No ☐ Administrative courts of first instance
- **Second instance judicial or quasi-judicial body:** Yes ☒ No ☐ Administrative courts of appeal
- **Third instance judicial or quasi-judicial body:** Yes ☒ No ☐ Council of State

Procedural barriers:

- **First instance judicial or quasi-judicial body:** Yes ☒ No ☐ Independent Appeal's Committee (Ανεξάρτητη Επιτροπή Προσφυγών)
- **Second instance judicial or quasi-judicial body:** Yes ☒ No ☐ Administrative Court of First Instance of Athens or Thessaloniki (Annulment (αίτηση ανώρωσης))
- **Third instance judicial or quasi-judicial body:** Yes ☒ No ☐ Council of state

Executive bodies involved in asylum access adjudication

Regarding first instance decisions, the Asylum Service (issues first instance decisions, including on admissibility issues (STC concept), National Transparency Agency (investigations of pushbacks), MoMA Fundamental Rights Officer / Special Committee (complaints platform), Greek ombudsman issues expert/investigative reports and guidance. Asylum service issues decisions on admissibility based on the STC concept; the National Transparency Agency is responsible for investigating pushbacks

EUAA provides rapporteurs to the Asylum Service and Appeals Authority.

C. Legal context and legal system

Practices affecting access to asylum (but not necessarily the legality of barriers) are often evaluated against regional and international refugee law and human rights law. Most commonly, courts use EU law (particularly the Asylum Procedures Directive and Reception Conditions Directive and cases); also used are the 1951 Convention on Refugee Law (particularly non-refoulement), the EU Charter on Fundamental Rights, and ECHR and ECtHR cases. Less frequently used are CAT and ICCPR.

EU and CJEU standards are often referred to in domestic cases and influence the interpretation of domestic law. Greek courts are reluctant to make preliminary references to the CJEU, however.

Courts use CJEU authority to read national law in line with the Procedures and Qualification Directives and thereby the Convention. This is particularly relevant to the interpretation and application of the concept of Safe Third Country and the interpretation of the right to asylum, as seen below, as well as the interpretation of the right to non-refoulement. ECHR jurisprudence frequently complements its discussion, such as, for instance, judgment 1048/2025.

On occasion, foreign cases have been used to support the interpretation of concepts established in international or regional law, such as the interpretation of 'safe third country' in accordance with EU and human rights law. For example, in 177/2023, the Council of the State referred to a Dutch case to support the argument that the prospects of readmission should be considered when deciding whether a third country can be considered to be safe.¹⁷³

¹⁷³ p.21 of the case.

CJEU and ECtHR jurisprudence are often referred to by the Courts and are frequently decisive for the outcome of cases, particularly those reviewing admissibility based on STC.

From 2023 through 2025, the CJEU's jurisprudence is consistently cited and directly leads to annulments of inadmissibility decisions. In various cases, national courts invoked Article 38 of the Protections Directive and related CJEU jurisprudence, along with ECHR cases, to annul inadmissibility decisions made on the basis of Türkiye's designation as an STC without consideration of applicants' individual circumstances. The Protections Directive requires decision-makers to assess all relevant factors cumulatively and to consider an applicant's individual circumstances when applying the STC concept. It also obliges authorities to properly evaluate the evidence, including any negative indicators, to ensure full respect for the right to asylum and the principle of non-refoulement.

After the CJEU's C-134/23 ruling, Greek authorities cannot reject claims as inadmissible since Türkiye has suspended readmissions. Claims must therefore proceed to a merit's examination. Follow-on first/second-instance practice mirrors this shift (decisions now recite that, per C-134/23, inadmissibility is impermissible absent feasible readmission).¹⁷⁴ In addition, earlier cases also use CJEU jurisprudence to strike down template STC decisions that relied on outdated COI or failed to engage in individualised analysis¹⁷⁵.

Articles 13 ECHR and Article 47 of the Charter on the right to an effective remedy are used to ensure access to an appeal. For example in ΑΔ6/2025 the administrative court annulled the Appeals Committee's decision to refuse permission to appeal due to making the application outside the time limit, because the asylum seeker, who was residing in an accommodation facility, was not served the first-instance rejection in accordance with the special service procedure required by Article 87(4) of Law 4939/2022, rendering the service defective¹⁷⁶. This procedural failure, combined with delayed legal aid not attributable to the applicant, meant he was wrongly denied an effective remedy. Article 47 of the Charter was also cited in 1048/2025 of the Council of the State in relation to the need to conduct an individualised assessment of the safety of a generally considered safe third country.

D. Laws and norms at the domestic level

Greece is a party to the Refugee Convention, incorporated in the Asylum Code (Law 4939/2022) (previously IPA (Law 4636/2019)).

The principle of *non-refoulement* is recognized in legally binding domestic acts and in jurisprudence. Relevant domestic law and international law (including CJEU/ECHR cases) are referred to in relation to STC inadmissibility cases and in challenging removal decisions.

The right to asylum is recognised in legally binding domestic legislation in the Asylum Code (4939/2022): right to make an application, provision of asylum seeker card, right to reside and move freely in Greece (unless in administrative detention), right to live in a state facility, access to (limited) legal aid for appeals

1951 Refugee Convention & 1967 Protocol, incorporated in Greek domestic legislation, primarily the Asylum Code (Law 4939/2022); EU law: Procedures Directive 2013/32/EU (governs access to the procedure, Safe Third Country (STC), appeals; Qualification Directive 2011/95/EU, defines protection; Return Directive 2008/115/EC, governs lawfulness of detention and removal. EU law is incorporated in domestic law and also has direct effect.

¹⁷⁴ See for example 20η ΕπΙτροπή IP/31951/2025, 15η ΕπΙτροπή IP/140160/2025, 17η ΕπΙτροπή IP/183011/2025, 20η ΕπΙτροπή IP/191309/2025 and other cases in https://rsaegean.org/wp-content/uploads/2025/07/%CE%94%CE%B5%CE%BB%CF%84%CE%AF%CE%BF%CE%9D%CE%BF%CE%BC%CE%BF%CE%BB%CE%BF%CE%B3%CE%AF%CE%B1%CF%82_1_2025_GR-1.pdf pages 9-15.

¹⁷⁵ Administrative Court of Athens 1260/2023; Administrative Court of Athens, 499/2024

¹⁷⁶ <https://www.equallegalaid.org/in-refugee-camps-notifications-must-be-made-in-person-greek-court-rules/>

ECHR obligations are used by administrative courts and Appeals Committees when reviewing removal and inadmissibility decisions.

For example, courts refer to ECHR jurisprudence to require individualised assessment before removal (primarily medical risk assessments) and invalidate STC inadmissibility decisions that lacked such analysis.¹⁷⁷ Human rights obligations are used to override administrative convenience (e.g., use accelerated procedures for vulnerable applicants), require individualised assessment in STC applications, and require merits assessment. International human rights law, such as ICCPR/CAT, is also on occasion used, in relation to the right to asylum and obligation of non-refoulement¹⁷⁸.

Domestic administrative courts use administrative-law principles to invalidate decisions due to lack of adequate reasoning (e.g. *Council of the State 1048/2025*), violation of the right to be heard (*Administrative Court, A1736/2025*), and use of outdated sources and information (e.g. *Administrative Court 384/2023*). Courts also invoke general principles of international law, such as the best interests of the child, to interpret refugee rights and the right to access to asylum (*Administrative Court, 2200/2024*; *Administrative Court N1275/2024*).

EU member and ECHR. Both are incorporated in domestic law and provide directly effective rights. Both influence access to asylum as well as define the recipients of refugee or supplementary protection, and the rights they enjoy during their stay. EU law is primarily employed to: 1. constraint the use of STC inadmissibility since it requires cumulative criteria, and individualised application including assessment of prospects of readmission (reflected in *Council of State 1048/2025* and *1049-1052/2025* and other cases mentioned above); 2. restrict detention since detention must be individualised, proportionate, and alternatives considered (e.g. *Administrative Court of Athens, 2200/2024*; *Administrative court of Kavala AP300/2023*); and 3. to prevent removal when refoulement risks are present.

ECHR obligations are used to invalidate removal decisions lacking individualised risk assessments (especially medical evaluation),¹⁷⁹ limit prolonged or automatic detention,¹⁸⁰ and ensure effective access to an appeal.¹⁸¹

Appeals Committees and administrative courts rely on UNHCR guidelines in relation to admissibility decisions. For example, the UNHCR's 2016 Legal Considerations on returns from Greece to Türkiye has been used to determine whether Türkiye can be treated as a 'safe third country' and whether asylum seekers should have access to an examination of their claim on the merits.¹⁸² In addition, UNHCR Country Reports are referred to in assessing the safety of a country of origin or internal relocation alternatives.¹⁸³ Where first-instance authorities reject claims as unfounded or inadmissible, administrative courts and appeals committees use UNHCR guidance to mandate merits consideration of asylum claims. Council of Europe recommendations have also been used in defining the

¹⁷⁷ eg 1260/2024, Administrative Court of Athens

¹⁷⁸ For example, 1048/2025, Administrative Court of Athens 451/2023

¹⁷⁹ eg 1260/2024 Administrative Court of Athens

¹⁸⁰ ΔΠΟΚαβ AP728/2023 (in [https://rsagean.org/wp-content/uploads/2024/01/%CE%94%CE%B5%CE%BB%CF%84%CE%B9%CC%81%CE%BF%CE%9D%CE%BF%CE%BC%CE%BF%CE%BB%CE%BF%CE%B3%CE%B9%CC%81%CE%B1%CF%82-1-2021-GR.pdf](https://rsagean.org/wp-content/uploads/2024/01/%CE%94%CE%B5%CE%BB%CF%84%CE%AF%CE%BF%CE%9D%CE%BF%CE%BC%CE%BF%CE%BB%CE%BF%CE%B3%CE%AF%CE%B1%CF%82_2_2023_GR-1.pdf))

¹⁸¹ e.g., AΔ6/2025 discussed above.

¹⁸² For example, in cases 12365 -12366/2020, Appeals Committees <https://rsagean.org/wp-content/uploads/2022/01/%CE%94%CE%B5%CE%BB%CF%84%CE%B9%CC%81%CE%BF%CE%9D%CE%BF%CE%BC%CE%BF%CE%BB%CE%BF%CE%B3%CE%B9%CC%81%CE%B1%CF%82-1-2021-GR.pdf> (the cases concerned Syrian women, and UNHCR guidelines were used to show women's precarious status in Türkiye).

¹⁸³ For example, the Appeals Committee in IP/21265/2023 referred to UNCHR guidance on Mali to assess the feasibility of internal relocation.

concept of safe third country.¹⁸⁴ Soft law is also used in the interpretation and application of the refugee definition.¹⁸⁵

Overall soft law is used to counterbalance restrictive administrative practices, enable access where barriers exist (in particular STC), to provide authoritative interpretation of relevant concepts, and to reinforce vulnerability safeguards.

E. Legal standing

Appeal to Appeals Authority (quasi-judicial) against 1st-instance refusals, but not always suspensive

Judicial review before Administrative Courts (subject to limitations as examined below)

Objections against detention and ex officio review of detention orders before the Administrative Courts.

F. The influence of international Courts

CJEU rulings have an important impact on the decision making of national courts in relation to asylum access barriers. The most notable impact of CJEU rulings is in relation to the application of the Safe Third Country Concept which led to many inadmissibility cases. This barrier was neutralized following the preliminary ruling of the CJEU in *C-134/23*. After the CJEU's *C-134/23* ruling, Greek authorities cannot reject claims as inadmissible since Türkiye has suspended readmissions. Claims must therefore proceed to a merit's examination. Follow-on first/second-instance practice mirrors this shift (decisions now recite that, per *C-134/23*, inadmissibility is impermissible absent feasible readmission). As a result, the Asylum Service stopped declaring applications as inadmissible on this basis and resumed regular asylum procedures.¹⁸⁶

The influence of supranational rulings in other cases is mostly corrective. They frequently influence individual outcomes, most often requiring merits assessment in cases deemed inadmissible for different reasons. Linking to the previous discussion on STC, before 2024, national courts used CJEU jurisprudence to strike down template STC decisions that relied on outdated COI,¹⁸⁷ admissibility decisions that failed to engage in individualised analysis of STC, referring for example to CJEU's *FMS case and Commission v Hungary*.¹⁸⁸ Additionally, domestic courts rely on the joint supranational standard from ECtHR *Paposhvili v Belgium*, ECtHR *Savran v Denmark*, CJEU *C.K. (C-578/16)*, and CJEU *X (C-69/21)* to require individualised assessment of medical and vulnerability risks before removal.¹⁸⁹

In relation to the interpretation of asylum rights, supranational jurisdiction is referred to by domestic courts in relation to detention. Greek courts have not addressed the issue of detention as a barrier to making an asylum application explicitly, but cases have addressed the lawfulness and duration of detention, including de facto detention in hotspot areas, before and after launching an asylum claim. Supranational jurisprudence has been influential in this respect.

¹⁸⁴ 177/2023 Council of State referred to CoE Recommendation R(97)22 to assess the relevance of the practical feasibility of return in determining a safe third country.

¹⁸⁵ ΠΓΑ Κω 97854/2022 first instance decision used UNHCR guidelines to establish 'well-founded fear'; ΠΓΑ Κω 185145/2022 first instance decision used UNRWA guidelines on interpretation of Art 1D of the Refugee Convention in relation to a claimant from Palestine.

¹⁸⁶ RSA, Ten years after the EU-Türkiye Deal: Standing against agreements with third countries, available at: <https://rsaegrean.org/en/ten-years-after-the-eu-türkiye-deal-standing-against-agreements-with-third-countries/> [accessed 13 May 2026]

¹⁸⁷ See for example Administrative Court of Athens 1260/2023; Administrative Court of Athens, 499/2024.

¹⁸⁸ Administrative Court of Athens, 384/2023 referring to FMS and Others v Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság and Országos Idegenrendészeti Főigazgatóság, joined cases C-924/19 & C-925/19 (FMS C-924/19).

¹⁸⁹ For example, Administrative Court of Athens 1260/2023, Appeals Committee 491824/2022, Administrative Court of Athens ΑΔ1104/2024.

Domestic courts, referring to ECtHR and CJEU jurisprudence - such as CJEU *Kadzoev* C-357/09 and ECtHR *SZ v Greece* - have held that pre-removal detention is unlawful when removal is impossible, in relation to the halted removals to Türkiye.¹⁹⁰

In addition, the Administrative Court of Athens has held that administrative delays not in the applicant's control cannot justify prolonged detention, relying on CJEU's *FMS* C-924/19.¹⁹¹ Similarly, when applicants attempted to apply for asylum via the online platform, but the official registration of their claim was delayed due to administrative issues, such as the lack of interpreters, detention was deemed unlawful since the applicants are considered to be asylum seekers and therefore should not be detained without a lawful reason, per CJEU's *Kadzoev*, C-357/09 and *Arslan*, C-534/11.¹⁹²

G. Comparative insights

Divergences in the adjudication of the safe third country concept: for example, prior to 2025, in some cases, the prospect of no removal was accepted as a reason to appeal a first instance inadmissibility decision, but in others, it was not considered to be as such. In the *Appeals Committee decision* 249386/16.9.2021, which was annulled by *STC* 1051/2024, and in the *Appeals Committee decision* 98802/18.02.2022, which was annulled by the *Administrative Court* in AP309/2023, the two Committees did not consider the fact of a lack of prospects of readmission, and therefore the appeals failed. However, several other appeals at the time succeeded on this ground.¹⁹³ Also, in some subsequent cases at first or second instance, the prospect of no removal is accepted as a new element that merits re-examination, whereas in other cases it doesn't. These divergences are not specific to a particular level of adjudication, but rather to specific cases. There are also divergences when examining whether Türkiye is a safe third country for certain groups (e.g., for some women it is deemed unsafe, whereas for others it is not).

There are also differences in detention reviews (the success rate for ex officio cases is 0.5% which is considerably lower than the success rate of objections against detention cases made by applicants, even though they raise the same issues. Broad alignment especially with principles of non-refoulement. Divergence in application of STC, which was corrected in 2025.

The ex officio detention review mechanism is well-designed, but its effectiveness remains a challenge. As previously discussed, existing cases review the lawfulness of detention in terms of duration, necessity and proportionality, but do not explicitly address detention as a barrier to seeking asylum.

The excessively formalistic and stringent approach of appeal committees towards procedural and formal requirements in accessing the appeals procedure, particularly the requirement to appear in person, is incompatible with the right to an effective remedy according to the CJEU.¹⁹⁴ The appellant in this case failed to appear in person due to the financial difficulty of travelling from Thessaloniki to Athens; the latter being the only city in the country that the appeal committees sit. His appeal was found to be unfounded due to his lack of appearance without conducting a merits investigation, and the applicant was faced with return measures. A further appeal was launched before the Administrative Court of Thessaloniki who made a preliminary reference request to the CJEU asking whether the obligation to appear in person is compatible with the right to an effective remedy. The CJEU concluded that the requirement is a disproportionate restriction to the right to an effective remedy. Less restrictive measures could include representation by a lawyer or confirming the applicant's continued presence in the country

¹⁹⁰ See for example AP728/2023 Administrative Court of Kavala, AP15/2024, AP41/2024 and AP48/2024 Administrative Court of Rhodes,

¹⁹¹ Administrative Court of Athens, AP2200/2024.

¹⁹² Administrative Court of Kavala AP824/2024.

¹⁹³ Eg. 21η ΕπΙτροπ 115795/2022 (February 2022), 10η ΕπΙτροπ 224433/2022 και 224438/2022 (April 2022) in https://rsaegean.org/wp-content/uploads/2022/06/deltio-nomologias-asylou_1_2022_GR.pdf

¹⁹⁴ FO v Ypourgos Metanastefsis kai Asylou [Al Nasiriah] (C-610/23, 3 July 2025).

by appearing before another public body (e.g. police stations). Despite this, appeals committees continue the practice.¹⁹⁵

In relation to alignment and divergence from the broader principles established by international bodies on the right to asylum, the approach of the appeal committees towards procedural requirements is often disproportionate and incompatible with the right to access to an effective remedy, which in turn can result in returns without access to a merits investigation of a claim which goes against the right to asylum and the principle of *non-refoulement*. Return measures can also result in prolonged pre-return detention, which is incompatible with the prohibition of unnecessary detention. The CJEU confirmed that the requirement to appear in person before an appeal committee that only sits in Athens poses a disproportionate burden on applicants, particularly due to the transport and accommodation costs. Other requirements may also be considered to be disproportionate, such as for example the rejection of appeal requests for being out of time, even though notification of first instance decisions is not provided in person to applicants in residing in camps as required by law.¹⁹⁶ This is further evidence of a formalistic and stringent approach that limits the right to an effective remedy and the right to asylum. A preliminary reference request has been made to the CJEU regarding the compatibility of strict appeal deadlines with the right to an effective remedy when state-appointed legal aid fails. Specifically, the court asked if rejecting an out-of-time appeal is valid when the applicant was not informed of their lawyer, communication was not ensured, and the appointed counsel failed to act with due diligence.¹⁹⁷

On the other hand, the arbitrary use of the STC concept by the asylum service at first instance, appeal committees and administrative courts to bar merits investigations was incompatible with the right to asylum. This was corrected in 2025, as previously established, following a CJEU preliminary reference request by the Council of the State.

There has also been alignment between the Council of State and ECtHR on the lawfulness of the 2025 legislation barring people from North Africa from making asylum claims and the suspension's compatibility with the right to asylum. The ECtHR issued two interim orders halting deportations and requiring a merits assessment for 12 applicants. National courts similarly issued interim measures prohibiting deportations, mention the right to asylum in the cases.¹⁹⁸ The temporary suspension of asylum applications by the government has now lapsed.

H. Role of expert testimony

Expert testimony can influence domestic bodies' decisions related to asylum barriers, particularly the application of STC concept in individual cases. For example, research on access to medical support in Türkiye for people with disabilities was referred to in case 368575/2021 (ΠΓΑ Λεσβου) to find Türkiye was not a safe third country for the applicant. Research on the risk of gender-based violence in Türkiye was referred to in cases 324826 and 316966/2021 (ΠΓΑ Σάμου) to find that Türkiye was not a safe third country for the two women applicants.¹⁹⁹

¹⁹⁵ RSA, Asylum procedures in Greece 2025, March 2026, p13, available at: <https://rsaegian.org/en/asylum-procedure-and-reception-statistics-in-greece-in-2025/> <accessed 26/06/2026>

¹⁹⁶ RSA, Asylum procedures in Greece 2025, March 2026, p13.

¹⁹⁷ Administrative Court of Thessaloniki, 72/2026, available in English: <https://www.equallegalaid.org/access-to-effective-legal-remedies-in-the-asylum-procedure/> <accessed 26/06/2026>

¹⁹⁸ See for example RSA Press Release, New ECtHR decision: Greece prohibited from deporting refugees before they have had access to asylum procedure, 2 September 2025, available at: <https://rsaegian.org/en/asylum-suspension-ecthr-greece-prohibited-from-deporting-refugees/> <accessed 29/06/2026>; Equal Right Beyond Borders Press Release, The Administrative Court of First Instance of Piraeus also puts a stop to unlawful returns of asylum seekers, 9 September 2025, available at: <https://equal-rights.org/articles/159> <accessed 29/06/2026>;

¹⁹⁹ Sections of the three cases referred to can be found in Greek at <https://rsaegian.org/en/greek-asylum-case-law-report-issue1/> <accessed 30/06/2026>.

In relation to adjudicating on the lawfulness of specific asylum barriers, academic opinion was referred to in 177/2023 by the Council of State to support the argument that the prospects of readmission should be considered when deciding whether a third country can be considered to be safe.²⁰⁰ Ombudsman reports were referred to in 1051/2024 to establish that Türkiye has, in fact, suspended readmissions.

I. Future Directions

There are several emerging trends in Greece likely to affect how judicial and quasi-judicial bodies address asylum-related barriers. First, EU-law scrutiny of procedural barriers is intensifying, especially after *Al Nasiria*, where the CJEU found that automatic rejection of asylum appeals for non-appearance before Appeals Committees violates Article 47 of the Charter, yet Greece has reportedly not amended the rule and Appeals Committees continue to apply it. The pending preliminary reference request before the CJEU made in case 72/2026 mentioned above in relation to the strict time limits for appeals is also likely to similarly shape access to appeals authorities.

Furthermore, recent legislation and practice show a trend towards criminalisation of refugees, including prosecutions for smuggling and the new criminalisation of illegal entry and stay under L 5226/2025, even where individuals face practical barriers to lodging asylum claims.²⁰¹

A further major trend is the increasing pressure on NGOs and legal actors assisting claimants, through restrictive registration rules, hostile official statements, proposed aggravated criminal offences for NGO members, and criminal proceedings against human rights defenders.²⁰²

II. IDENTIFICATION OF LEADING DECISIONS

This Section allows for a deeper analysis of the relevant decisions on barriers to accessing asylum in your jurisdiction. Per each barrier mentioned in “Part 1: Barriers to Accessing Asylum” of the Report, please select at least one or two leading decisions and respond to the questions below. Leading cases for each barrier should be selected according to the following criteria: reasoning; its impact on national legislation, policy, and jurisprudence; impact on other jurisdictions; whether it established a judicial precedent or rule that others have followed or referred to. The selection can also refer to negative or restrictive decisions that are shaping a judicial trend.

Identification information of the selected decisions (e.g. number and/or name of the case):

Pushbacks: no identified cases

Pullbacks: no identified cases

Walls and fences: no identified cases

Detention:

1. ***Decision 21/2023*** (Administrative Court of Syros): This case addresses the de facto detention of a Syrian mother and her three minor children in the Closed Controlled Access Centre (K.E.D.) of Samos. While the court eventually rejected the request to lift the restriction because the statutory 25-day limit for reception and identification procedures had not yet passed, it ordered their immediate registration and transfer to specialized areas for single-parent families within the facility.

²⁰⁰ p.21 of case

²⁰¹ Struggle for Accountability, The State of the Rule of Law in Greece today, January 2026, Joint NGO report, page 24-26, (available at: https://hias.org/wp-content/uploads/RoL2026_Greece_CSJ_Report.pdf.)

²⁰² Struggle for Accountability, The State of the Rule of Law in Greece today, January 2026, Joint NGO report, page 80-89, (available at: https://hias.org/wp-content/uploads/RoL2026_Greece_CSJ_Report.pdf.)

2. **Decision 1853/2023** (Administrative Court of Korinthos) – connected with registration: This judgment concerns a Pakistani national who was arrested and detained for illegal entry and stay on the exact day of his scheduled appointment for asylum registration. The court accepted his objections, ruling that his pre-existing electronic application for international protection granted him asylum seeker status, making his detention for return purposes illegal.
3. **Decisions 382/202 – connected with registration:** Afghan national was detained for return purposes after being arrested on the street, despite having already booked asylum registration appointments via the government’s electronic platform. The courts consistently ruled that booking an appointment through the platform grants the individual asylum seeker status, making their detention under general migration law for return purposes illegal

Procedural barriers:

STC

4. **Decision 103/2023 (Administrative Court of Athens):** This judgment annulled a decision that had rejected the application of a Syrian woman with minor children by deeming Türkiye a “Safe Third Country”. The court found that the authorities failed to conduct an individualized assessment of the required “link” between the applicant and Türkiye that would make her return there reasonable.
5. **Decision 1260/2023 (Administrative Court of Athens):** This case annulled a “Safe Third Country” designation for a Syrian victim of torture. The court ruled that the administration relied on outdated data and failed to consider how the applicant's specific vulnerability would be managed in Türkiye.

Fast track procedures:

6. **Decisions 106/2020 (Administrative Appeal Courts):** The ruling involved vulnerable individuals who were incorrectly kept in **fast-track border procedures**. The court annulled the rejection, affirming that vulnerable persons must be exempted from fast-track procedures and provided with full procedural guarantees

Formalization of the asylum application

7. **Decision 824/2024 (Administrative Court of Kavala):** This case involved an Iranian national whose registration was repeatedly delayed due to a lack of interpreters. The court ruled that because the failure to formalize the application was due to objective, external factors (the lack of interpretation services), the applicant must be treated as having already acquired asylum seeker status and ordered his release to a reception facility.
8. **Decision 474/2022 (Administrative Court of Thessaloniki):** A Turkish national’s claim was rejected as “manifestly unfounded” for failing to cooperate with authorities. However, the applicant had attempted to register at a different office in Athens. The court annulled the decision due to **insufficient reasoning** regarding his alleged non-cooperation.
9. **Decision 560/2023 (Administrative Court of Thessaloniki):** An Iraqi man’s appeal was dismissed because he did not appear in person before the Appeals Committee in Athens. The court referred questions to the CJEU regarding whether requiring **mandatory physical appearance** for applicants living far from Athens (e.g., Thessaloniki) violates the right to an effective remedy.

Other barriers (please specify): criminalization

10. **Decision 51/2023 (Single-Member Court of Appeal for Felonies of the Aegean):** This criminal court acquitted an Iranian refugee charged with facilitating the illegal entry of others. The court accepted that he was himself a refugee fleeing persecution and had only handled the boat under

duress or as a fellow passenger, affirming that refugees are exempt from penalties for illegal entry when seeking safety.

Relevant decisions on court competence:

11. *Decision 881/2024 (Council of State - 7-Member Composition)*: This pilot case examined whether the single-member composition of Appeals Committees is constitutional. The court expressed significant doubt, suggesting that assigning judicial-like duties to a single judge within an executive organ violates constitutional principles of judicial independence

A. Description of the barriers in the selected decisions

Detention: These barriers were formally established through administrative acts, specifically detention orders or decisions to restrict movement within closed facilities. The actors involved were the Director of the Police Directorate (e.g., Korinthos or Drama) and Competent Officers of the Aliens Division were the primary actors issuing detention orders for illegal entry or stay. In cases of de facto detention within Closed Controlled Access Centres (K.E.D.), the Director of the K.E.D. is the actor responsible for issuing the formal decision to restrict liberty during the reception and identification phase

Safe Third Country Asylum Applications: This barrier is formally established through a two-stage process: a general legislative designation and an individualized administrative rejection. Actors Involved: The Ministers of Citizen Protection and Foreign Affairs are the actors who formally designate countries (like Türkiye) as “safe” via Joint Ministerial Decisions, based on recommendations from the Director of the Asylum Service. The Regional Asylum Offices (P.G.A.) and the Independent Appeals Committees are the actors that apply this designation to individual cases, ruling applications “inadmissible” without examining the merits of the asylum claim

Formalization and Obstacles in Formalizing Asylum Application: These barriers are often informally established through administrative failures, delays, or “objective, external factors,” even though they may be triggered by formal police actions. The primary actor is the Asylum Service, which may fail to complete registrations due to a lack of interpreters (resulting from the failure of the administration to renew employment contracts). Police guards are also additional relevant actors. Formalization is impeded by arresting and detaining individuals on the exact day of their registration appointments, effectively preventing them from reaching the asylum offices. As the operator of the electronic platform, the Ministry of Asylum and Migration is involved in the scheduling process, which, if not synchronized with police operations, leads to the detention of individuals who are legally attempting to formalize their status

Criminalization: This barrier is formally established through the initiation of criminal prosecution and the issuance of indictments. Port Authorities and Police: Actors like the Samos Port Authority (L/X Samos) are involved in the initial arrest and the drafting of incident reports and witness statements. Public Prosecutors: The Prosecutor of the Court of Appeal is the actor responsible for bringing charges, such as the facilitation of illegal entry and smuggling.

Administrative obstacles faced by the applicant(s) in the cases reviewed

A primary administrative barrier was the difficulty in transitioning from a “wish to seek asylum” to a fully registered application. In *Decision 474/2022*, the applicant attempted to register his claim at the Regional Asylum Office of Attica three separate times. He was denied entry twice and only succeeded on his third attempt. Despite these efforts, the authorities initially rejected his claim as “manifestly unfounded,” accusing him of failing to cooperate. In *Decisions 1853/2023* and *382/2023*, applicants were arrested and detained on the very day or at the exact location where their asylum registration appointments were scheduled. This indicates a lack of synchronization between the electronic booking platform and police enforcement. In *Decision 21/2023*, a Syrian mother and her children presented themselves for registration in Samos but remained unregistered for over 20 days while being held in de facto detention.

These failures meant that individuals were treated as “illegal stayers” subject to return procedures and administrative detention under general migration law, rather than being protected as asylum seekers.

Court decisions selected also reveal that administrative failures often prevented vulnerable applicants from accessing the specific procedural guarantees they were legally entitled to. In *Decision 106/2020*, the Reception and Identification Service failed to transmit an applicant's vulnerability certification (as a victim of violence with PTSD) to the asylum office. Because of this transmission failure, the applicant was incorrectly kept in the fast-track border procedure, which has significantly shorter deadlines and fewer safeguards. In the Samos facility (*Decision 21/2023*), applicants were held without the mandatory medical or psychosocial evaluations required to identify their needs. Asylum claims were often rejected as “inadmissible” or “contradictory” because the adjudication process did not account for the applicants’ mental or physical health conditions, which the administration itself had failed to document properly.

The administration’s application of the “Safe Third Country” concept regarding Türkiye acted as a procedural barrier. In *Decision 1260/2023*, the Appeals Committee relied on information from 2016 to justify the safety of Türkiye for a claim being decided in 2020. In *Decisions 103/2023* and *384/2023*, authorities rejected claims as “inadmissible” without examining specific circumstances, such as an applicant being a victim of torture or a single mother with a sick child. These flawed assessments forced applicants into lengthy litigation to annul decisions that had bypassed the “merits” (the actual reasons for fleeing) of their asylum claims entirely.

Access to the appeal process was sometimes restricted by mandatory physical requirements. *Decision 560/2023* highlights a case where an applicant living in Thessaloniki had his appeal dismissed because he could not afford to travel to Athens to appear in person before the Appeals Committee. The court questioned whether this requirement violates the right to an effective remedy, as it effectively penalizes impoverished applicants by dismissing their cases as “manifestly unfounded” without a review of the facts.

Challenges related to their legal standing or capacity

Detention: Applicants held in Closed Controlled Access Centres (K.E.D.) often lack a formal detention order, which challenges their procedural capacity to bring a case to court. In *Decision 21/2023*, a Syrian family challenged their *de facto* detention in Samos. While they lacked a formal detention document, the court affirmed their legal standing to raise objections against the restriction of their liberty, even if a final deportation order had not yet been issued. This allowed the court to eventually order their immediate registration and transfer to specialized housing.

Procedural barriers: Applicants face severe barriers to bringing or maintaining their cases when procedural rules do not account for their socio-economic reality. For instance, *Decision 560/2023* highlights a case where an Iraqi applicant living in Thessaloniki had his appeal dismissed because he could not afford the travel costs to appear in person before the Appeals Committee in Athens.

Hearing

Detention: In the judicial review of administrative acts (annulment or detention objections), the procedure is primarily focused on legal arguments rather than personal testimony. In most cases, the applicants were represented by their lawyers during public hearings. For example, in *Decision 103/2023*, the applicants “appeared together with their lawyer” in the courtroom. Similarly, in *Decisions 106/2020*, *1260/2023*, *1853/2023*, and *560/2023*, the records state that the applicants “appeared through” or “with” their authorized lawyers. In several instances, the records explicitly note that the applicant was not physically present in the courtroom. This is the case of *Decision 384/2023* where the applicant “did not appear in the courtroom” but was represented by a formal declaration from his lawyer and *Decision 881/2024*: The applicant “did not appear” but the lawyer who signed the application was legally recognized to represent him.

Criminalization: in *Decision 51/2023* the defendant “did not appear,” but the court allowed his lawyer to represent him, legally considering the defendant “present” for the duration of the trial.

Procedural barriers: The hearing of the applicant at the quasi-judicial level is typically described as a personal interview or an oral hearing. Judgments frequently refer to the applicants attending a personal interview at the Regional Asylum Offices (first instance) before their case reached the Appeals Committees. The procedure before the Independent Appeals Committees is by rule written, meaning the committee decides based on the case file. Oral hearings are only mandatory in specific complex cases or when the committee has doubts about the initial interview. A significant barrier identified in *Decision 560/2023* is the requirement for mandatory physical appearance at the Appeals Committee in Athens. The court noted that applicants living across Greece are required to travel to Athens simply to declare their presence. In this specific case, the applicant could not be heard or even present because he could not afford the travel costs from Thessaloniki to Athens.

The judgments do not contain any information regarding the use of video transmission for judicial or quasi-judicial hearings.

Specialized organizations provided legal support in nearly all successful cases:

- **Refugee Support Aegean (RSA):** Represented applicants in cases involving the “Safe Third Country” concept and victims of torture (*Decisions 103/2023, 1260/2023, and 384/2023*).
- **Equal Rights Beyond Borders:** Provided representation in challenges against administrative detention (*Decision 1853/2023*).
- **Human Rights Legal Project:** Represented the Syrian family in the Samos facility (*Decision 21/2023*).
- **Greek Council for Refugees (GCR/ΕΣΠ):** Acted in cases involving electronic registration appointments (*Decision 382/2023*).

Applicants frequently received a waiver of legal fees and court stamps by being recognized as indigent by the court (*Decisions 106/2020, 1260/2023, and 384/2023*). This allowed them to file for annulment without the financial burden of standard court costs.

In the criminal trial for facilitation of illegal entry, the refugee defendant was represented by a private lawyer (*Decision 51/2023*).

In the selected cases, vulnerability was a central factor that significantly influenced the adjudication process, often determining the legality of detention, the procedural track of the application, and the admissibility of asylum claims. Many applicants were explicitly recognized as vulnerable due to their personal circumstances or health conditions. Vulnerability influenced the legal process in several decisive ways.

Procedural barriers: Courts repeatedly ruled that a vulnerability certification necessitates a rigorous individualized assessment when applying the “Safe Third Country” concept. In *Decision 1260/2023* and *Decision 384/2023*, the courts annulled rejections because the administration failed to consider how the applicants’ status as torture victims with mental health needs would be handled in Türkiye. Legally, vulnerable persons should be exempted from fast-track border procedures and placed in the normal procedure, which offers more safeguards. In *Decision 106/2020*, the adjudication was found illegal because the administration failed to transmit vulnerability data, incorrectly keeping a victim of violence in the fast-track procedure.

Detention: Vulnerability influenced where and how applicants could be held. In *Decision 21/2023*, the court ordered the immediate registration of a Syrian family and their transfer to specialized areas for single-parent families within the Samos facility, citing the legal obligation to prioritize the health and best interests of minors. Vulnerability was a key consideration in whether administrative detention could be imposed or

extended. Courts noted that the lack of specialized medical or psychosocial support for vulnerable individuals in closed centres made their continued restriction of movement unsuitable.

B. Impact of the judicial or quasi-judicial body's decision

Information is not available; further research is needed. However, as far as is known, according to the 40 leading cases, these judgments represented important precedents for subsequent judgments.

C. Consistency with previous jurisprudence

Information is not available; further research is needed. However, as far as is known, the 40 leading cases indicate divergence particularly in detention cases, where administrative courts very often convalidate the detention order. Moreover, convergence exists among Appeal Committees on how to evaluate the safe third country concept, despite increasing harmonization after the Council of State decision in March 2025, declaring Türkiye not a safe country.

Detention: In-depth scrutiny of the vulnerability of appellants varies among adjudicators.

Procedural barriers: Among Appeal Committees, different evaluations about the concept of safety in Türkiye have been developed over the years, since 2017 (Dallara and Lacchei 2024).

The selected decisions do not fully represent the current judicial scenario, since there has been a selection bias. The publicly available decisions, which have been collected, were those shared by NGOs that clearly circulate positive decisions. In this selection, thus, frequent decisions with negative outcomes, especially in detention cases, are here overlooked.

PART 3: SOCIO-LEGAL FACTORS

This third part of the Report is divided into four sections: I) Procedures in asylum access adjudication; II) Judicial or quasi-judicial bodies in asylum access adjudication; III) Other actors in asylum access adjudication; IV) Socio-political context.

I. PROCEDURES IN ASYLUM ACCESS ADJUDICATION

A. Access to judicial or quasi-judicial bodies

Barriers to accessing asylum whose legality cannot be assessed by judicial bodies

Pushback: Largely not justiciable in practice. As described in the report “Struggle for accountability, the state of the rule of law in Greece” (GCR, HIAS, Homo Digitalis, RSA, Reporters United, Solomon and Vouliwatch 2025) The absence of decided cases by Greek courts on pushbacks stems from the persistent failure of the Greek justice system to move investigations past the preliminary stages and to attribute responsibility to state officials. The Greek justice system has disclosed data showing that over the past five years, it has shelved a total of more than 200 investigations into allegations of pushbacks and related human rights violations against refugees and migrants. However, no single prosecution has been launched against public officials regarding these allegations²⁰³. Investigations conducted by public prosecutors have led to no charges against Hellenic Police officers in at least 79 cases investigated since 2020. The Piraeus Naval Court Prosecutor, the authority competent for cases against Hellenic Coast Guard officers, archived 106 out of 125 cases investigated between January 2019 and October 2024, resulting in no charges being leveled against Coast Guard officers. The European Court of Human Rights (ECtHR) highlighted that no case has passed the preliminary examination stage (*προκαταρκτική εξέταση*), thereby giving rise to serious doubts as to the effectiveness of the criminal justice system. Criminal investigations into pushback allegations are consistently marred by systemic deficiencies, which prevent them from progressing to the trial stage. Prosecutors have frequently shelved cases because complainants allegedly failed to “prove” the incidents occurred at the preliminary examination stage, despite the Criminal Procedure Code only requiring “sufficient indications” (*επαρκείς ενδείξεις*) to launch criminal charges (*ποινική δίωξη*). The investigation process often lacks independence. For instance, the preliminary interrogation into alleged ill-treatment may be carried out by the very authority to which the alleged perpetrators belong (e.g., a Coast Guard station investigating a fatal shooting by its own Hellenic Coast Guard fire), undermining impartiality. Investigations often fail due to shortcomings in gathering and assessing evidence. This includes failing to seek testimony from victims, failing to examine relevant Hellenic Police or Coast Guard officers on duty, and failing to review official records or audio-visual material. The ECtHR, in its *A.R.E. v. Greece* judgment, found that a criminal investigation into a 2019 pushback was “manifestly insufficient” because the prosecutor failed to allow the applicant’s brother to testify and neglected to consider documentary evidence and audiovisual material submitted by the applicant.

As reported by the European Parliament²⁰⁴, “In January 2025, the European Court of Human Rights issued three judgments finding that the authorities had failed to conduct effective investigations into alleged violations of fundamental rights by law enforcement officers. The ECtHR has raised serious doubts as to the effectiveness of criminal procedures in specific areas, referring to data submitted by the Government, which indicated that none of the cases in which criminal investigations were opened went beyond the preliminary investigation stage. The UN Human Rights Committee recommended, in November 2024,

²⁰³https://www.hellenicparliament.gr/Koinovouleftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou?pcm_id=99b2a984-b843-4271-9904-b1be00f12542

²⁰⁴https://commission.europa.eu/document/download/f2eb4e57-317a-4be4-8baa-b667c9f801d9_en?filename=12_1_63944_coun_chap_greece_en.pdf

that such allegations are promptly and thoroughly investigated by an independent authority. In May 2025, criminal charges were brought by the Prosecutor of the Piraeus Naval Court against 17 members of the Hellenic Coast Guard, including senior officers, in the context of the judicial investigations into the Pylos shipwreck. Stakeholders considered it a significant development in the path towards justice and accountability. In February 2025, the Ombudsperson concluded its investigation into the Pylos shipwreck, finding serious failures of the coast guard, and submitted his report to the competent authorities for the necessary follow-up. Despite initial statements by the Government questioning the basis and the reasoning used by the Ombudsperson, which caused reactions by national and international stakeholders, the Government will decide on the appropriate follow-up pending legal advice from the Legal Council of State¹⁴⁹. Discussions on preventing misconduct and improving the effectiveness of related investigations were held between the Department of Execution of Judgments of the ECtHR of the Council of Europe and the Government in April 2025. Part of the efforts to improve the efficiency of disciplinary proceedings of the law enforcement officers include the reform of the police disciplinary law”.

Concerning summary returns occurred in 2020 according to the Türkiye-EU deal, deportation measures were under review, but this not led to protection from non-refoulement. What occurred in 2020 with the implementation of the EU-Türkiye deal will explain the severe limits of judicial accountability over deportation orders as well as pre-removal detention measures (see next paragraph), which can lead (as it was in that case) to summary returns. In April 2020, Refugee Support Aegean (RSA) initiated administrative appeals on behalf of twelve individuals detained on Lesbos, challenging deportation orders issued by the Lesbos Police Directorate prior to their transfer to the Malakasa detention facility. The Northern Aegean Regional Police Directorate summarily dismissed all twelve appeals through uniform decisions, initially citing procedural non-compliance with statutory time limits—specifically, the failure to file within the prescribed five-day period. Notably, this rationale was applied despite evidence that, in several cases, formal notification of the deportation orders had never been served, thereby rendering the deadline inapplicable. Following the intervention of the Greek Ombudsman, the Police Directorate undertook a review of its initial rejections. However, on 7 April 2020, the appeals were again dismissed. Critically, none of the decisions included an individualized assessment of the merits of each case, nor did they evaluate the lawfulness of the deportation or detention measures. Instead, the decisions relied on a boilerplate assertion that the appellants had been arrested for irregular entry under domestic law and that the Lesbos Police Directorate had acted lawfully in issuing the contested orders, in accordance with applicable legal provisions. It is further noteworthy that, while the Regional Police Directorate’s decisions on appeal did reference the relevant administrative decree, they failed to provide any substantive legal analysis or justification for its application. This omission stands in stark contrast to the original deportation and detention orders, which lacked even this cursory reference to the legal framework²⁰⁵. Additionally, as reported by RSA (2020), The Administrative Court of Athens has systematically upheld detention orders for asylum seekers, including vulnerable groups such as pregnant women and young children, based on a controversial Decree framed as a response to an “extraordinarily urgent and unforeseeable” national security threat, purportedly overriding Greece’s obligations under EU and international asylum law. The Court’s rulings, however, reveal serious legal deficiencies: it failed to assess whether detention complied with national or EU standards (e.g., Directive 2013/33/EU), disregarded the applicants’ status as asylum seekers, and ignored risks of *refoulement* under the 1951 Refugee Convention and Article 3 ECHR. Instead, the Court justified detention on procedural grounds, such as lack of identity documents, while overlooking evidence of valid documentation and acute vulnerabilities, including advanced pregnancy, despite domestic legal protections for such cases. It also dismissed concerns about detention conditions in Malakasa, ruling that hardships did not amount to inhuman or degrading treatment, and rejected COVID-19 risks without a substantiated review. Notably, the Court’s approach contradicted the Council of State, which had suspended deportations for vulnerable applicants under the same Decree²⁰⁶.

²⁰⁵https://rsaagean.org/wp-content/uploads/2020/05/RSA_LN_AsylumSuspension.pdf

²⁰⁶https://rsaagean.org/wp-content/uploads/2020/05/RSA_LN_AsylumSuspension.pdf

Pullbacks: Not justiciable in Greece due to lack of jurisdiction. Additionally, all limits highlighted for pushbacks are also valid for pullback cases.

Walls and fences: Justiciable in theory as an administrative decision, but in practice, no cases exist. No available sources investigate the reasons behind this lack of jurisprudence.

Detention: Persons subject to asylum and immigration detention in Greece can legally challenge their deportation decision through an administrative appeal (ενδικοφανής προσφυγή) ²⁶ before the competent Police Directorate and their deprivation of liberty through an appeal against detention, known as “objections procedure” (αντιρροήσεις) κατά κράτησης, before the President of the Administrative Court. Asylum and pre-removal detention can be reviewed through ex officio judicial review or objections against detention in administrative courts. In practice, “before the Hellenic Police against removal orders are still at near-zero levels. The share of deportation and return decisions challenged via an appeal before the Hellenic Police was no more than 1.3% in 2022, 1.2% in 2023, and just 0.97% in 2024”.²⁰⁷ As for objections against detention before the administrative courts, official statistics still demonstrate that less than one out of five detention orders on average are challenged through objections before the courts. For what concern detention in hotspot for screening procedures, initial “restriction on freedom” orders are not amenable to judicial review at all. Only the “extension of restriction on freedom” may be challenged through objections²⁰⁸

The success rate of ex officio judicial review cases is less than 0.5%²⁰⁹. The ability of detainees to raise objections against detention is significantly impaired due to the lack of interpretation and legal aid. In practice, detainees are not informed of the grounds of their detentions and are not informed of the possibility of raising objections (RSA 2020). Detention orders and information are communicated in Greek, and the ‘information brochure’ that is sometimes provided fails to explain the information in a simple and accessible manner.²¹⁰ Importantly, there is no free legal assistance scheme for raising objections against detention. The practice has been condemned by CPT and the ECtHR²¹¹. Objections were raised against 14.1% of detention orders, and 42.2% of those were successful in 2024²¹².

As well described by Galand (2025)²¹³, “in Greece, only 0.5% of the 24,174 detention orders issued in 2023 were quashed in ex officio reviews, while the approval rate of applications challenging the detention order by way of “objections against detention” before the same Courts stood at 45.6% (Refugee Support Aegean, 2024). Similar numbers were reported for the first half of 2024 (Refugee Support Aegean, 2024). Numbers provided by the Administrative Courts for 2023 show that 4926 ex officio reviews of detention orders issued to asylum seekers were carried out, of which 4701 were validated. Commentators highlighted the poor quality of the decisions issued, the lack of reasoning, and of proper assessment in light of EU law and ECHR standards (GCR & ECRE, 2024). The ECtHR confirmed this trend in several decisions (Committee of Ministers of the Council of Europe, 2020)”.

Procedural barriers: Procedural barriers may be discussed in appeals of status determination and judicial review cases. Both are subject to the limitations of accessing the appeals process and judicial review process. The primary challenges in ensuring access to justice in these cases relate to access to legal

²⁰⁷ https://rsaagean.org/wp-content/uploads/2025/04/2025-04_RSA_MD_submission.pdf

²⁰⁸ https://rsaagean.org/wp-content/uploads/2025/04/2025-04_RSA_MD_submission.pdf

²⁰⁹ 25 of 6369 cases: <https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/procedural-safeguards/judicial-review-detention-order/>

²¹⁰ J.R. and Others v. Greece, Application No 22696/16, Judgment of 25 January 2018, available in Greek at: <https://bit.ly/3MAFjYN>, paras 123-124.

²¹¹ RSA, IMMIGRATION DETENTION STATISTICS IN GREECE IN 2024, May 2025, page 7 https://rsaagean.org/wp-content/uploads/2025/05/2025-05_RSA_Detention2024_%CE%95%CE%9D.pdf

²¹² RSA, IMMIGRATION DETENTION STATISTICS IN GREECE IN 2024, May 2025, page 7 https://rsaagean.org/wp-content/uploads/2025/05/2025-05_RSA_Detention2024_%CE%95%CE%9D.pdf

²¹³ <https://www.um.edu.mt/library/oar/bitstream/123456789/141573/1/Judicial%20protection%20in%20immigration%20detention%20challenges%20and%20solutions%20in%20the%20Mediterranean%20region%20of%20the%20European%20Union%202025.pdf>

representation and strict deadlines, as discussed in the paragraphs below. Determination of STC is justiciable and has been challenged in the Council of State.

Time as a challenge

Detention: To challenge detention measures, lawyers use interim measures. Although this mechanism utilizes the rules of interim measures to ensure speediness, this overly expedited nature prevents judges from conducting a comprehensive review, often resulting in summary reasoning and hindering the ability of detained Third Country Nationals (TCNs) to effectively present their case (Angeli and Anagnostou 2022).

Procedural barriers: To challenge procedural barriers, migrants must challenge the administrative practices in the administrative courts. After an application for annulment is lodged before the Administrative Court, the lawyer must respect very strict deadlines for the application of provisional measures that can, for instance, ensure the protection of non-refoulement. Only 2 days are given to notify authorities, and 5 days to submit all supporting evidence. These short deadlines can represent a challenge for applicants and legal representatives. Moreover, there are excessive delays in processing cases. For application annulments, the average decision time after the filing is 463 days in Thessaloniki and 626 days in Athens. For provisional Measures, the average time is 31 days after the filing in Thessaloniki and 113 days in Athens, despite being an “emergency” procedure (Equal Legal Aid, ECPR 2025).

For appeals, the deadline for submitting an appeal is 30 days from the notification of the decision or from the date they are presumed to have been notified, and 20 days if the applicant was notified of the rejection decision while in detention.²¹⁴ Shorter deadlines for admissibility decisions (including STC) were introduced. Notification of a negative first-instance or second-instance decision may be communicated in person, in person; with a registered letter sent by the Asylum Service to the applicant, by e-mail to the applicant, or by uploading the Decision on an electronic application managed by the Asylum Service, through which applicants have unique access through an account they maintain. The law allows service to the Head of the relevant Reception & Identification Centre (RIC) or detention facility, if the applicant cannot be contacted via other means, who posts a notice of receipt in a visible area. The decision is then treated as “served” on the applicant (fictitious service). The deadline for appealing against a negative decision begins 3 days after fictitious service or 48 hours following electronic notification, from the day the proof of notification is drawn (article 87 par. 5 l. 4939/2022). A large number of appeals is dismissed due to late submission (1,732 in 2025). This is despite the fact that the Asylum Service continues to send first instance via email to camp residents instead of in person notifications as required by the law and confirmed by administrative courts.²¹⁵ In addition, as previously mentioned, a preliminary reference request has been made to the CJEU regarding the compatibility of strict appeal deadlines with the right to an effective remedy when state-appointed legal aid fails. Specifically, the court asked if rejecting an out-of-time appeal is valid when the applicant was not informed of their lawyer, communication was not ensured, and the appointed counsel failed to act with due diligence.²¹⁶

Year-long delays in adjudicating judicial review cases of STC determination mean that the decision continued to be applied for a long time after being challenged.

Time is also relevant when it comes to review decisions against inadmissibility decisions. As reported by AIDA (2025), the Appeal Committee should, in principle, decide on the appeal within 20 days. Despite these deadlines not being respected due to delays in the justice system, this can lead to pressure on judges who are requested to decide on these cases within a short timeframe.

²¹⁴ Article 97(1) Asylum Code

²¹⁵ Article 87(4) Greek Asylum Code; Administrative Court of Thessaloniki, AΔ6/2025, 13 January 2025; Administrative Court of Athens, NΔ324/2024, 28 June 2024 in RSA, Asylum Procedure Statistics in Greece 2025, March 2026, p. 14.

²¹⁶ Administrative Court of Thessaloniki, 72/2026, available in English: <https://www.equallegalaid.org/access-to-effective-legal-remedies-in-the-asylum-procedure/> <accessed 26/06/2026>

Costs for legal representation

Sources highlight the structural limitations of legal aid provisions in Greece, which largely rely on NGOs, as will be further explained in the section below on Legal Aid.²¹⁷ As reported by Equal Legal Aid (ECPR, 2025), structural challenges exist for both migrants and asylum seekers in obtaining legal aid, particularly in administrative courts. An application for annulment costs between 257.80 euros and 318.55 euros, while the fees for filing an application for suspension range from 145.40 euros to 198.35 euros.

Spatial and geographical issues

Pushbacks: pushbacks occur at the border and are often outside of monitoring control. This location at the border leads to difficulties in collecting detailed evidence required for investigations to be presented in court, considering the high level of evidence required by criminal courts²¹⁸.

Pullbacks: see pushbacks

Walls and fences: no information available

Detention: Access to the pre-removal centre for legal representatives can be extremely difficult, as well as to RIC and CIACC²¹⁹. This can limit possibilities for judicial remedies, considering the difficulties associated with legal aid and the time already discussed. As reported by Galand (2025) “in Greece, the Court found that the geographical distribution of Administrative Courts on the hot spots restricted access to a speedy review of detention (Kaak and others v. Greece, 2019)

Procedural barriers: difficulties in registration mainly occur in the mainland. Since the procedure requires *de facto* detention, contact with representatives may be difficult, as in this case, due to the challenges representatives face in accessing registration detention facilities.

Regarding Appeal Authorities, which are responsible for inadmissibility applications concerning Safe Third Country applications, as reported by AIDA (2025), in Greece, the asylum appeals process is primarily written, yet Articles 102(2) and 83(3) of the Asylum Code required appellants to appear in person before the Appeals Committee on the day of their appeal’s examination, or risk having their appeal rejected as “manifestly unfounded”, at least until the decision of the 2025 decision of the CJEU on the matter (Al Nasiria case). Exceptions exist for appellants residing in Reception and Identification Centres (RICs) or Accommodation Centres, who may submit a certification from the centre’s head, or for those with geographical restrictions, who can provide a police-authenticated declaration. Failure to submit these documents results in the appeal being deemed implicitly withdrawn. Appellants may also be represented by a lawyer or authorized advisor. The obligation is suspended in cases of *force majeure*, such as serious illness, provided the appellant submits evidence and later appears in person. This requirement imposes significant administrative burdens and disproportionate penalties, raising concerns about the effectiveness of the remedy and the principle of *non-refoulement*. Critics argue that these provisions place excessive demands on asylum seekers, undermining their access to a fair appeal process. In 2023, 1,599 appeals were rejected as “manifestly unfounded,” though it is unclear how many were due to non-appearance. Additionally, appeals are typically examined by a three-member committee, but certain cases—such as those from hotspot islands—were reviewed by a single judge, at least since the recent decision of the Supreme Court (ΣτΕ Ολομ. 1150/2025). The legality of these measures has been questioned, including a preliminary request to the CJEU regarding compliance with EU directives on the right to an effective remedy. The third instance level of adjudication for asylum appeals is the competence of the administrative courts of first instance in Athens and Thessaloniki, which are thus extremely difficult to reach for the appellants.

²¹⁷ <https://www.equallegalaid.org/situation-in-northern-greece/#:~:text=Structural%20shortage%20of%20legal%20assistance,of%20the%20right%20to%20asylum.>

²¹⁸ https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CSQ_Greece-3.pdf

²¹⁹ https://rsaegean.org/wp-content/uploads/2025/05/2025-05_RSA_Detention2024_%CE%95%CE%9D.pdf

Implications of difficulties accessing justice

The most significant challenge to accessing justice concerns cases of pushbacks, which are often dismissed despite thorough investigations. In this case, procedural obstacles, particularly the assessment of evidence in criminal court, play a significant role. According to some reports, this also pertains to the independence of judicial bodies²²⁰. When it comes to detention, numerous challenges arise in accessing justice, including strict deadlines, limited access to detention facilities by representatives, and a lack of legal aid. For asylum appeals against inadmissibility decisions based on the concept of a Safe country of origin, problems of access to legal aid, although less prominent, remain relevant. Among the main difficulties, there is the procedural barrier of in-person appearance of asylum seekers (better detailed in the section hearings).

B. Legal aid

Legal representation is provided by law in all judicial proceedings, while at the administrative stage, it is not provided by law (FRA 2019). Among the most challenging aspects is the shortage of lawyers. According to a mapping provided by RSA in 2025, While more than 30 civil society organizations provide legal assistance nationwide, coverage is heavily concentrated in major refugee reception areas, particularly **Attica (Athens)** and the **Aegean islands** (Lesvos, Chios, Samos, Leros, Kos, and Crete), with comparatively fewer organizations and lawyers available in other regions. Several mainland locations—including Thessaloniki, Ioannina, Katerini, Xanthi, Serres, Pyrgos, Chalkida, Volos, Kavala, and Alexandroupoli—are served by only a limited number of organizations and full-time equivalent (FTE) lawyers, resulting in uneven access to legal assistance. The mapping also reveals that many organizations employ only **one or two FTE lawyers** in individual locations, indicating limited staffing capacity relative to the demand for legal services. This uneven distribution suggests persistent shortages of specialized legal professionals, particularly outside the main urban centres and reception hotspots, creating gaps in service coverage and increasing the workload of existing providers²²¹. This number does not include the lawyers appointed through the state legal aid scheme, which is available at the second instance. In northern Greece, there are only five NGOs with approximately 10 lawyers, according to Equal Legal Aid (ECPR, 2025).

Article 11 of the Law provides that all citizens of the European Union may be entitled to legal aid. Moreover, third-country nationals and stateless persons who are legally resident or have their habitual residence in the European Union, and who can provide evidence that the relevant conditions are met, are eligible for legal aid. Legal aid is granted provided that the conditions laid down in the Law are met. According to Article 1(2) of the Law, persons with an annual family income not exceeding two-thirds of the minimum annual individual income 2 established by the Law are entitled to legal aid. In the event of family disputes, the income of the other party to the dispute (spouse) is not considered to contribute to the applicant's income²²².

Domestic law provisions on the right to free legal assistance to challenge pre-removal and asylum detention orders (Article 28(4) L 3907/2011; Article 50(7) Greek Asylum Code) remain 'dead letter' since there is still no state legal aid scheme for persons in immigration detention across all four categories (deportation, return, screening, asylum). For migrants subject to pre-removal detention, the law refers not to the provision of free legal aid to challenge detention decisions but only to the obligation of the authorities to provide information and assistance to those seeking legal support. The Greek government has yet to adopt the necessary secondary legislation required by Article 39(2) of Law 3907/2011 to define the terms of such a scheme in the context of returns²²³. In Greece, free legal aid relies on the availability of ad hoc support from civil society, as well as the implementation partners of the United Nations High Commissioner for Refugees (UNHCR). This is because state-funded legal assistance on return is not yet operational²²⁴. The

²²⁰ https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CS0_Greece-3.pdf

²²¹ <https://rsaegean.org/el/mapping-legal/>

²²² https://e-justice.europa.eu/topics/taking-legal-action/legal-aid/el_en

²²³ https://rsaegean.org/wp-content/uploads/2025/04/2025-04_RSA_MD_submission.pdf

²²⁴ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-legal-aid-in-return_en.pdf

Asylum, Migration and Integration Fund (AMIF) funding for NGOs providing legal assistance has been discontinued. Apart from the assistance provided by civil society organisations, including UNHCR partners, returnees can only rely on the general legal aid system. This may be challenging for third-country nationals to access, as they will need to prepare a summary of the subject matter of the proceedings and provide supporting documents to demonstrate that they meet the conditions for legal aid. These documents include tax return forms or proof of exemption from tax obligations, and can be difficult to obtain²²⁵. Moreover, the application has to be submitted at the competent court which will examine the application for annulment, meaning the administrative court of Athens and the administrative court of Thessaloniki, despite most of the applicants, though, are resided far away from both cities. Finally, rejections cannot be disputed²²⁶.

Regarding asylum seekers' appeals before the Appeals Committees, as reported by ELENA, Article 44-3 of Law 4375/2016 (transposing Articles 20-21 of the Asylum Procedures Directive) establishes the right to state-funded legal aid for asylum seekers at the appeals stage before the Appeals Committees. The system was implemented in September 2017, with the appointment of qualified asylum lawyers. Legal aid is not means-tested and covers: legal advice, preparation and submission of legal memos and documents prior to the appeal examination, and legal representation before the Appeals Committees (though oral hearings are rare, as the procedure is primarily written). However, unofficially, lawyers representing their clients before the Appeals Committee can explain the case orally before the Committee.

Only qualified lawyers with experience in asylum and human rights are appointed. According to the Ministerial Decision 788502/2023 the lawyers have to submit a certificate issued by the Bar Association and participate in a seminar on International Law. Despite the legal framework, access to legal aid at the appeals stage remains limited: In 2018, only 21.8% (3,351 out of 15,355 appeals) of asylum seekers received state-funded legal aid. An additional 600 applicants received legal aid through a UNHCR scheme, which concluded in early 2018. Compliance with national and EU obligations (e.g., the recast Asylum Procedures Directive) is questionable and requires further assessment. According to new Joint Ministerial Decision the lawyers of the registry are 90²²⁷.

Regarding legal aid for appeals in front of the Appeal Authority, in 2020 “only 1,608 appeals out of a total of 4,100 lodged in the first five months of 2020 benefitted from legal aid under the Registry of Lawyers. Accordingly, the state-run legal aid scheme covered only 39% of appeals during that period”.²²⁸

No more recent information is available regarding the number of lawyers; however, more recent sources continue to confirm the significant limitations of the legal aid system in Greece (Equal Legal Aid 2019).

In addition to challenges in administrative courts and Appeal committees, problems also exist in criminal courts and civil courts. As reported by RSD, regarding legal aid in “Civil courts, asylum seekers often cannot meet the formalities to obtain civil legal aid assistance (e.g., a tax declaration to show they are destitute). Legal assistance would be desirable in many cases, especially in guardianship matters and the correction of data registered in the civil registry. As far as criminal courts are concerned, “Greek legislation provides for free legal aid, but in practice, courts will only appoint lawyers for very serious crimes (felonies). Countless others must navigate the criminal justice system alone and are sometimes also left without interpreters”²²⁹.

As mentioned earlier, the first major challenge is that migrants in pre-removal centres and those subject to return procedures do not have access to any form of legal aid, which poses a significant risk of non-refoulement violations without the possibility of challenging the detention and deportation measures in

²²⁵ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-legal-aid-in-return_en.pdf

²²⁶ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-legal-aid-in-return_en.pdf

²²⁷ .. <https://diavgeia.gov.gr/decision/view/91%CE%A9%CE%9E46%CE%9C%CE%94%CE%A8%CE%9F-%CE%9F%CE%A41>

²²⁸ <https://rsaegcan.org/en/the-greek-asylum-appeal-procedure-in-the-first-half-of-2020/>

²²⁹ <https://rsaegcan.org/en/legal-aid-for-migrants-asylum-seekers-and-refugees-in-greece-challenges-and-barriers/>

court. When legal aid mechanisms are provided, such as for asylum seekers at the appeal stage or in civil and criminal proceedings, the system often lacks sufficient guarantees, as bureaucratic criteria can limit access to the provision, as well as a limited number of lawyers available. This is also connected to the late payment of legal aid to lawyers, who often must wait more than a year to receive their remuneration.

Additionally, when it comes to detention, and particularly de facto detention in RIC and CCAC, authorities arbitrarily deny authorization to the legal representative as provided by law. RSA explains that “domestic law provides that the signature of an authorisation to a lawyer (εξουσιοδότηση) shall be certified (θεώρηση γνησίου της υπογραφής) before any public authority. Express provisions of domestic law stipulate that, in the case of asylum seekers remaining in RIS facilities, such as RIC and CCAC, the responsible authorities shall certify their signatures based on the asylum seekers’ declared personal details. However, RIC and CCAC consistently refuse to certify the signatures of persons remaining within the facilities if they have not received an asylum seeker card upon completion of screening procedures and registration of their asylum claim. As mentioned earlier, this can take several months in practice. In most cases known to us, the authorities communicate such a refusal only orally, citing internal instructions”.²³⁰ These violations from authorities have been also coitized by courts, such as for instance the Administrative Court of Athens, AP2200/2024, 14 November 2024, referring to the practice as “unjustified”. As stressed by RSA, “people de facto detained in RIC and CCAC during screening procedures not only lack access to a legal aid scheme but are also deprived of the means to authorise a lawyer and thereby to be represented before domestic administrative and judicial authorities for the purpose of complaining against their detention”²³¹.

NGOs provide crucial support for legal representation and counsel at both the initial instance and the appeal stage, often through pro bono legal actions.

C. Lodging the appeal

Pushbacks: Pushback allegations are typically lodged as criminal complaints against public officials, leading to investigations that must follow Greek criminal procedure, which begins with a preliminary examination. Allegations of pushbacks and related human rights violations against refugees and migrants are subject to investigations initiated by authorities like Public Prosecutors (for Hellenic Police officers) or the Piraeus Naval Court Prosecutor (for Hellenic Coast Guard officers). The crucial first procedural step is the preliminary examination (*προκαταρκτική εξέταση*). The system demonstrates a persistent pattern of shelving these investigations at this preliminary stage. Investigators, such as Public Prosecutors, often archive cases because complainants allegedly fail to “prove” the incidents, applying an excessive standard of proof that goes beyond the “sufficient indications” (*επαρκείς ενδείξεις*) required by the Criminal Procedure Code to launch charges (*ποινική δίωξη*). Because of this systemic failure, these cases do not reach the interrogation stage (*ανάκριση*), let alone trial in court. Therefore, there are virtually no judicial precedents establishing the procedural aspects of a formal domestic appeal or trial against a pushback, as the process terminates at the preliminary investigative phase.

When it comes to summary returns and particularly those that occurred since 2020 under the implementation of the Türkiye-UE deal (see part I), the Northern Aegean Regional Police Directorate summarily dismissed all twelve appeals through uniform decisions received by RSA, initially citing procedural non-compliance with statutory time limits and specifically, the failure to file within the prescribed five-day period. Thus, in this case, time deadlines represented a relevant barrier to access review. Notably, this rationale was applied despite evidence that, in several cases, formal notification of the deportation orders had never been served, thereby rendering the deadline inapplicable.

Detention: As previously mentioned, objections to detention orders are typically raised through interim measures. The procedure requires that objections can be presented at any time, and allegations and

²³⁰ https://rsaegean.org/wp-content/uploads/2025/04/2025-04_RSA_MD_submission.pdf

²³¹ https://rsaegean.org/wp-content/uploads/2025/04/2025-04_RSA_MD_submission.pdf

evidence supporting the objection must be presented immediately (Angeli and Anagnostou, 2022). This means that it is not possible to integrate what is provided in the appeal.

Procedural barriers: As far as appeals against STC inadmissibility are concerned, they are in front of the Appeal Committee. No obstacles have been registered according to available sources that limit access to judicial review to the extent that it occurs for other procedures in front of administrative or criminal courts. However, one aspect merits attention. As reported by AIDA (2025), in Greece, the asylum appeals process is primarily written, yet Articles 102(2) and 83(3) of the Asylum Code require appellants to appear in person before the Appeals Committee on the day of their appeal's examination, or risk having their appeal rejected as “manifestly unfounded.” Exceptions exist for appellants residing in Reception and Identification Centres (RICs) or Accommodation Centres, who may submit a certification from the centre's head, or for those with geographical restrictions, who can provide a police-authenticated declaration. Failure to submit these documents results in the appeal being deemed implicitly withdrawn. Appellants may also be represented by a lawyer or authorized advisor. The obligation is temporarily suspended in cases of *force majeure*, such as serious illness, provided the appellant submits evidence and later appears in person. This requirement imposes significant administrative burdens and disproportionate penalties, raising concerns about the effectiveness of the remedy and the principle of *non-refoulement*. Before the CJEU decision, critics argued that these provisions place excessive demands on asylum seekers, undermining their access to a fair appeal process. In 2023, 1,599 appeals were rejected as “manifestly unfounded,” though it is unclear how many were due to non-appearance. Additionally, appeals are typically examined by a three-member committee, but certain cases—such as those from hotspot islands—are now reviewed by a single judge, further impacting the process. The legality of these measures has been questioned, including a preliminary request to the CJEU regarding compliance with EU directives on the right to an effective remedy.

Important aspects concern procedural obstacles that pertain to various aspects, such as the in-person attendance in court in Appeal Committees or the level of evidence required for pushback cases to avoid them being dismissed.

Regarding procedures of annulment in front of administrative courts of Athens and Thessaloniki, according to NGOs active in the field, a large number of cases are considered inadmissible for procedural reasons, such as failure to pay the required court fee or deficiencies in legal representation (power of attorney). In Athens, 26 out of 78 judgments (approximately one-third) declared the application inadmissible. In Thessaloniki, only 2 out of 28 judgments (7.1%) reached the same outcome. This disparity is closely linked to the prolonged delays in Athens, where hearings may occur up to five years after the application was lodged, increasing the likelihood of procedural complications affecting the admissibility of the case.²³²

D. Hearing

Pushbacks: No information is available since all cases have been dismissed before reaching the court, and thus no hearing has been conducted.

Pullbacks: No information is available since no cases have reached the courts, and thus no hearings have been conducted.

Walls and fences: No information is available since no cases reached courts, and thus no hearing has been conducted.

Detention: In objections against detention of migrants and asylum seekers, lawyers adopt interim measures that provide that objections must invoke concrete reasons for which the detention is not lawful, in written form or orally, and all supporting evidence needs to be submitted immediately. When it comes to the prolongation of detention in pre-removal hearings, as reported by the European Committee for the

²³² https://rsaegean.org/wp-content/uploads/2025/09/2025-09_LAWG_%CE%91%CE%BA%CF%85%CF%81%CF%89%CF%84%CE%B9%CE%BA%CF%8C%CF%82%CE%88%CE%BB%CE%B5%CE%B3%CF%87%CE%BF%CF%82%CE%91%CF%83%CF%8D%CE%BB%CE%BF%CF%85.pdf

Prevention of Torture and Inhuman or degrading treatment or punishment (2024)²³³ “although Greek law establishes an automatic review every six months of the legality of pre-removal detention and the detention of asylum seekers (AR. 16 para. 3 of the Law 5226/2025), the CPT found that, in practice, the reviews are conducted summarily and often without a personal hearing or without considering the individual situation of the person concerned. Detention orders appear to be automatically prolonged by the competent administrative courts, including for foreign nationals held for long durations (over 12 and up to 18 months). Specifically, the conditions of detention are usually not considered in the context of the decision to prolong the detention of foreign nationals, including asylum seekers, as required by law, and it appears that Greek administrative courts have to date been very reluctant to accept arguments related to inadequate conditions of detention. Further, appealing detention orders by means of lodging objections against an initial detention order, or its extension before the President of the competent administrative court, is practically impossible because these appeals must be submitted in writing, in the Greek language (see hereafter as regards access to interpretation services and access to a lawyer) and within a very short deadline”.

Procedural barriers: Administrative proceedings against impediments for formalization of asylum proceedings follow a written procedure, and no hearings are conducted. For STC procedure and appeals in front of Appeals Authorities, no recent data are available; however, a large space for manoeuvre is left to the committees to decide whether or not to conduct an oral hearing. Particularly, Dallara and Lacchei (2024) show that Greek asylum judges adopt different organizational practices, such as those concerning hearings. Although oral hearings are restricted to a few circumstances, the law leaves some space for interpretation by judges, leading to a non-consistent approach among committees. This is again the case of appeals concerning asylum applications rejected as inadmissible based on the Safe Third Country concept by the Asylum Service. Initially, the Asylum Service interviews asylum seekers only on points related to the reasons for not having applied for asylum in the third country, rather than on the merits of their claims. Instead, at the appeal stage, practices vary: some Appeals Committees decide to conduct an oral hearing for the applicant to substantiate the application on the merits. In contrast, others directly assess the case following the written procedure (AIDA, 2021). Moreover, although oral hearings are extremely rare, with only 250 out of 15,958 in 2021 (AIDA, 2021), judges occasionally conduct them informally. According to interviewed lawyers, the asylum seeker must always appear on behalf of the Committee or otherwise their appeal will be rejected. Thus, some judges informally conduct oral hearings when the asylum seekers appear in front of them, asking for clarifications on the asylum claim:

“Sometimes, it happens that when the lawyer and the asylum seeker arrive at the court to register the asylum seeker's presence, informal oral hearings occur, and we, as lawyers, have the possibility to stress particular points of the asylum claim or ask for an official hearing”. (Interview 28. Greek lawyer, 4th November 2022; Dallara and Lacchei 2024)

As reported by AIDA (2025), the Greek Ministry of Migration and Asylum (MoMA) has repeatedly failed to provide specific data on the number of appellants invited to oral hearings before the Appeals Committee, despite annual requests from the Greek Council for Refugees (GCR). Instead, MoMA directs inquiries to its public statistics portal, which does not contain the requested information, thereby raising concerns about transparency. Under Article 105 of the International Protection Act (IPA), the Appeals Committee is prohibited from remanding cases to the Asylum Service for a new first-instance interview. This restriction created challenges, particularly in cases rejected as inadmissible under the “Safe Third Country” concept, where applicants were only interviewed on procedural grounds—not the merits of their claims. The Appeals Committees adopted inconsistent approaches: some convened oral hearings to assess the merits, while others decided *sur dossier*, occasionally granting subsidiary protection without ever examining the substantive reasons for fleeing (e.g., Syrian applicants). In 2021, only 250 appellants were invited for oral hearings. Article 111 of the Asylum Code maintains the prohibition on remanding cases

²³³<https://rm.coe.int/1680b0e4e1#:~:text=Moreover%2C%20detained%20foreign%20nationals%20should,to%20inadequate%20conditions%20of%20detention.>

but empowers the Appeals Committee to conduct its own interviews, when necessary, in accordance with Article 82. The Council of State upheld the legality of this provision, asserting that interviews conducted by the Appeals Committee comply with EU Directive 2013/32/EU and its guarantees for personal interviews. However, the lack of systematic oral hearings and the Committee's discretionary approach risk undermining the fairness and thoroughness of the appeals process.

Concerning cases that arrive before administrative courts, it appears that the procedure is dominated by a written form, with little to no space for oral hearings. Before the administrative judge who will rule on the application for provisional measures, lawyers almost always have the opportunity to plead the case unofficially. In Thessaloniki, the Administrative Court is the rule, whereas in Athens it is the exception, showing the existence of different practices among courts.

When it comes to the Appeal Authority, what emerges instead is a significant discretion in deciding whether to conduct the appeal, which is extremely crucial for a thorough assessment of the case's merit, especially in applications rejected as inadmissible according to the STC concept. In these applications, the Asylum Service, at the first instance, often does not investigate the merits of the case and does not decide on the grounds for granting asylum, but only refers the case to the STC. The consequence is that if oral hearings are not conducted in the judicial review, the asylum seeker will not undergo an examination of the merit of their application, with a risk of *non-refoulement* and sham procedures. Access to the appeal process is crucial for individuals whose applications (or subsequent applications) are initially rejected, particularly those deemed automatically inadmissible due to the designation of Türkiye as a safe third country without an individualized or practical assessment. Additionally, deficiencies in the first instance process make the appeal process even more important. Such deficiencies of first instance processes include, for example, disregarding vulnerabilities resulting in applications that are not properly assessed or are deemed inadmissible, as described above. The percentage of success at first instance was 79% in 2024 and 76% in 2023. 12,039 appeals were decided in 2024, and 10,973 appeals were decided in 2025. A significant number of people, therefore, rely on the appeals process for effective access to a merits review of their application. Nevertheless, access to an appeal is significantly impeded by procedural barriers. Recognition at the second instance is significantly low, for example, 11.6% in 2022, 6.59% in 2023, and 10.1% in 2024. The appeals process is complex and requires legal support: appeals must be made in written form in Greek and explain specific grounds. Appeals under the accelerated procedure or for cases dismissed as inadmissible do not have automatic suspensive effect and must be accompanied by a request for suspension of removal. An application for suspension of the removal order must be made separately. Other unnecessary administrative obligations included for example the requirement to appear in person to make an appeal and the requirement to provide a certificate of residence in the reception facility – an unnecessary administrative hurdle likely inconsistent with EU law: 1,610 appeals were dismissed due to failure on the part of the appellant to appear in person or to submit a certificate of residence in due time upon examination of the appeal, even though such failure is often attributed to a lack of capacity on the part of the authorities. This rule poses serious risks to the right to an effective remedy, as it results in the dismissal of appeals regardless of the appellants' protection needs. The legality of this rule was the subject matter of a preliminary reference before the CJEU. The CJEU declared this to be a disproportionate restriction of the right to an effective remedy (see previous section for details on the case). Appeals against decisions rejecting the application in the accelerated procedure or as inadmissible under certain grounds do not have an automatic suspensive effect, even though these decisions also incorporate a return decision with immediate effect.

E. Deliberation

Pushbacks: No information is available, as there is no existing caselaw on pushbacks. Cases have been dismissed, and few are currently pending in court.

Pullbacks: No information is available, as there is no existing caselaw on pullbacks.

Walls and fences: No information is available, as there is no caselaw on walls and fences.

Detention: decisions on pre-removal centres are made by a single judge within a few days. Indeed, decisions can be extremely fast in cases of objections (see above).

Regarding the Appeal Authority and particularly decisions at the appeal concerning STC procedures, they were decided by a panel of 3 judges or 1 judge (in some proceedings, including inadmissibility procedures according to STC). However, the Council of State found that since the Appeals Committees are administrative bodies, composed of judges, they should not operate under a single-member composition, as it violates the Greek Constitution (1150/2025). Regarding higher courts, and particularly the Council of State, the composition of panels varies depending on the type and importance of the case: most cases are heard and decided by a panel of five judges but for particularly complex or significant cases, the Council of State may convene a larger panel, such as a seven-judge panel or, in exceptional circumstances, a plenary session involving all members of the court.

In cases involving pushbacks, systemic deficiencies in evidence collection and evaluation are evident. These include the failure to obtain testimony from victims, neglecting to question Hellenic Police or Coast Guard officers present during the incidents, overlooking camera footage or official records, and disregarding forensic reports from foreign authorities. Furthermore, while the Greek Criminal Procedure Code mandates that prosecutors initiate criminal proceedings when there are “sufficient indications” of an offense, investigations into allegations of ill-treatment by law enforcement often result in cases being dismissed. This occurs because complainants are required to “prove” the incidents occurred during the preliminary examination—a standard that contradicts the legal burden of proof. Civil society organizations have documented instances where prosecutors concluded that detention could not be proven, citing reasons such as the official capacity of border police stations being lower than the number of alleged victims or dismissing a complainant’s proof of presence in Greece as insufficient evidence, particularly when the location in question was not an official detention site.

When it comes to detention, and particularly pre-removal detention, judges decide on a single-panel configuration. According to existing sources (Angeli and Anagnostou, 2022), this conformation, combined with the routinization of decisions and the lack of judicial review, results in heterogeneity of decisions within courts.

When it comes to the Appeal Authority, existing research indicates that despite the centralization of the body, the committee operates quite independently, without significant homogenization of jurisprudence. This could be mainly due to the appointment system and the fact that there is a significant turnover of judges sitting on the committees, who deal with asylum cases only in their spare time (see appointment).

No implications are available in existing sources regarding appeals against the lack of registration of asylum proceedings.

F. Review of decisions

Pushbacks: No information is available. Courts have dismissed cases at first instance, so no review was conducted. When it comes to deportation orders that led to summary returns (especially during the implementation of the EU-Türkiye deal), decisions of administrative courts

Detention: A relevant aspect concerning objections against detention orders that is particularly relevant for pre-removal detention is that first-instance administrative decisions cannot be challenged in higher courts. The law does not provide remedies for those decisions. This institutional configuration represents a significant limitation to a proper and effective remedy, with substantial consequences for the fragmentation of existing jurisprudence, which lacks homogenization and common standards that the involvement of higher courts could provide (Angeli and Anagnostou, 2022).

Procedural barriers: Regarding the inadmissibility according to the STC, in 2019, judicial review of decisions made by Appeal Authorities is the competence of the first-instance administrative courts. Since the Appeal Authorities are also composed of higher court judges, this peculiar institutional design can limit

the power of judicial review, as it reduces vertical control over Appeal Committees by the reviewing courts (Dallara and Lacchei 2022).

See above. More broadly, we can argue that judicial review in Greece is quite limited. A recent ECtHR jurisprudence highlights the unjustified formalism of the supreme courts as a major issue affecting the Greek judiciary. The matter has a well-established precedential history. The Strasbourg Court has consistently condemned the disproportionate stringency of the Greek Supreme Court, indicating that case law practices amounting to a denial of justice are incompatible with the need to effectively safeguard the right to access justice.

G. Procedures in decentralized states

Relevant differences exist between the mainland and the islands, as asylum procedures in Greece are differentiated geographically, and there are also distinct barriers in these two geographical areas. Data suggest that there are relevant differences in decisions on applications from the islands, compared to those on the mainland. RSA states that during the first half of 2020, a total of 5,494 appeals were lodged against decisions of the Asylum Service. Of those, 3,252 concerned cases were on the mainland (59%), and 2,242 cases were on the Eastern Aegean islands (41%), where the EU-Türkiye deal is applied. Despite a few differences in the lodging of the appeal, what we see is a large difference in the number of issued decisions. The Appeals Authority issued 11,057 decisions on the merits of appeals during the first six months of 2020. The overwhelming majority of decisions (94.5%) concerned mainland appeals, while only 1,630 decisions of Appeals Committees related to claims lodged on the islands. At the same time, significant differences exist in terms of outcomes. According to the above figures on in-merit decisions, the overall international protection rate (refugee status, subsidiary protection) at second instance was 5.5%, thereby marking a decrease from a 5.9% rate in 2019. The rate of international protection grants during the first half of 2020 was significantly higher on the islands (19.7%) than on the mainland (3%)²³⁴. However, no information available online explains the reasons behind this divergence. Interviews can help better understand this variation and the reasons behind it, as well as the implications on decision-making.

II. JUDICIAL OR QUASI-JUDICIAL BODIES IN ACCESS TO ASYLUM

Consider all judicial or quasi-judicial bodies already listed in Section II(B) of part two of the Report. For some questions, experts are asked to reply according to the adjudication stage (first instance, second instance, third instance, etc). If replies do not vary according to stages of appeals, specify it and write your response only in the first box (first instance judicial or quasi-judicial body/bodies). If, at one stage, more than one judicial or quasi-judicial body is responsible for asylum access adjudication, consider all of them by stressing their commonalities and differences (if any). Additionally, in the replies, always specify potential divergences according to the selected barriers to accessing asylum discussed in Part One of the Report.

A. Institutional configuration

- *First instance judicial or quasi-judicial body/ bodies:*

Public Prosecutors and Piraeus Naval Court Prosecutor: As mentioned, for pushback cases, the responsible authorities are criminal courts. However, they have not issued a decision since the investigations were dismissed, except for one case that is still pending. The competent authorities involved in these investigations are the Public Prosecutors (for Hellenic Police officers) or the Piraeus Naval Court Prosecutor (for Hellenic Coast Guard officers). As mentioned earlier, NGOs involved in pushback cases

²³⁴ <http://rsagean.org/en/the-greek-asylum-appeal-procedure-in-the-first-half-of-2020/>

emphasized that the lack of judicial accountability is also attributed to a lack of independence in these investigations²³⁵.

The Northern Aegean Regional Police Directorate dismissed all claims against deportation orders to Türkiye proposed by NGOs, particularly the RSA, under the implementation of the EU-Türkiye deal. It is a regional branch of the Hellenic Police (Ελληνική Αστυνομία) responsible for overseeing law enforcement, public order, and security in the Northern Aegean region of Greece. The independence of this body, which is under the Ministry of the Interior, can be further investigated. NGOs claim the lack of independence in these procedures, stressing the impunity of violence and unlawful practices of the Greek police, especially against migrants and asylum seekers²³⁶. Regional Police Directorates are responsible for reviewing deportation orders in Greece.

First-instance administrative courts: There are 35 first-instance administrative courts throughout Greece. Before the 1st instance administrative court, the basic procedure is the “προσφυγή,” in which the court examines the unlawful administrative act on the merits. Courts can annul unlawful acts, order compensation, or issue interim measures (προσωρινές διατάξεις) to suspend enforcement of a contested decision. As mentioned, in cases of detention, objection is used especially through interim measures. These procedures are also used in cases involving challenges to the formalization of asylum applications. Deportation orders can be challenged using both annulment of unlawful acts and interim measures. Administrative courts at first instance are within the judicial system and are thus judicial authorities.

For asylum cases, **Appeals Authority** is responsible for first instance appeals. They are an ad hoc quasi-judicial body, which is an administrative body of the Ministry of Migration and Asylum exercising competences of a judicial function. The latter comprises 21 Appeals Committees of all professional judges, who, according to the Council of State, exercise the function of state officials, not judicial officials, while working at the Appeals Authority. The Appeals Authority comprises 21 Appeals Committees, which maintain their independence in exercising their judicial functions. However, the system should be considered centralized since all the Committees are under the Appeal Authority, managed by the Administrative Director of the Central Administration Service. As for the appointed judges, these are first- and second-instance administrative judges who serve as judges of the Appeals Committees in addition to their ordinary judicial duties, and they receive extra compensation for this assignment (AIDA Greece, 2022). There are additional concerns about the constitutionality of the composition of appeals committees. The 2016 amendment restructured the Committees to include two administrative judges, due to the high success rate at the second instance and the previous composition of appeals committees. It also introduced single-member appeals committees. The participation of administrative court judges in appeals committees was deemed constitutional in 2021, but the single-member appeals committees were deemed unconstitutional in 2025 (a judgment is expected). The issues raise concerns over impartiality, independence, and procedural fairness.

- *Second instance judicial or quasi-judicial body/bodies:*

Since 2019, Greece has delegated the **administrative first-instance courts of Athens and Thessaloniki** to judicial review of decisions made by the Appeals Committees. This choice is peculiar since it delegates to the first instance courts.

All administrative decisions can be reviewed by the **Appellate Administrative Courts**, which are 8 throughout the country. They can decide only on law and are competent to identify legal errors, such as the misapplication of the law or procedural violations. They cannot re-examine the facts.

It is essential to note that there is no legal provision allowing for a review of first-instance administrative decisions in the context of detention objections. An interesting aspect is that, formally, there would be the

²³⁵ https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CSO_Greece-3.pdf

²³⁶ https://rsaegrean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CSO_Greece.pdf

possibility of asking for a review of detention measures by the **Council of State**, but this procedure was never applied.

- *Third instance judicial or quasi-judicial body/ bodies:*

The **Council of State** is Greece's supreme administrative court, with final jurisdiction over administrative disputes. It is competent for final appeals (ανάθεση) against decisions of appellate courts. This body ensures administrative acts comply with the Greek Constitution and EU law and provides legal opinions to the government on draft laws or decrees. It can also issue suspensory orders (προσωρινές διατάξεις) in urgent cases (e.g., halting deportations).

Implications of the institutional configurations of bodies responsible for assessing the legality of the barriers

Some implications concerning the configuration of the Appeal Authority and the second instance review assigned to the first instance administrative courts of Thessaloniki and Athens can have important consequences. First, the institutions responsible for asylum adjudication at first and second instance (the Asylum Service and the Appeals Committee) are institutionally connected. Despite the formal independence of the Appeals Committee, they both belong to the Ministry of Migration and Asylum. Not by chance, they are even physically located in the same building. This institutional and geographical connection can be considered as one of the reasons for the conceptualisation of the Asylum Committees as completely detached bodies from the Asylum Service (Dallara and Lacchei 2024). This connection can also partially explain the limited number of negative first-instance decisions overturned at the second instance. In this regard, NGOs argue that Appeals Committees adopt similar interpretations to the Asylum Service, except for a more extensive understanding of the subsidiary protection status regarding Afghan asylum seekers (Refugee Support Aegean, 2022). Despite this, it is essential to emphasize that since 2019, Committees have been composed of administrative judges, who typically come from high courts and enjoy significant independence and autonomy in their professional roles. Consequently, they maintain their margin for manoeuvre in examining asylum appeals. Thanks to this space for manoeuvre, similarly to the Italian case, Appeals Committees differ in rule interpretation. For instance, they still examine asylum claims of asylum seekers arriving in Greece through the so-called third safe countries and, more precisely, through Türkiye, as emerged from interviews with lawyers dealing with asylum appeals and asylum experts of NGOs. It is possible to hypothesize that several factors, such as the peculiar appointment system and the lack of solid control mechanisms, cause heterogeneity in the interpretation of rules and the adoption of different organizational practices, such as those concerning hearings or those concerning STC inadmissibility cases. First, Committees are composed of professional judges who do not work full-time on asylum appeals and cannot rely on a robust administrative structure or organizational mechanisms to support their work, unlike in the French case, where judges are assigned to specific cases. Second, first-instance administrative courts are responsible for controlling the decisions of Appeal Committees regarding asylum. Considering that the three-member Appeals Committees, which are competent to examine appeals against the Asylum Service's decisions, are exclusively composed of first-level and second-level administrative judges, the administrative court conducts judicial review of decisions that may—and often are—taken by higher-level administrative judges. Although the Council of State states the constitutionality of that peculiar institutional arrangement, it is possible to argue that it can limit the power of judicial review and, thus, the mechanism of control over Appeals Committees' decisions. Not by chance, in 2021, among 433 applications for annulment before the Administrative Court of Athens and Thessaloniki, only eight were decided upon by the end of the year, and all of them were rejected (AIDA, 2021). Secondly, important implications concern investigations into pushbacks and pertain to the independence of bodies responsible for analysing these allegations. However, this aspect requires further investigation through interviews. Finally, the lack of review for detention cases, which can only be assessed at the first instance, is extremely relevant, as noted by Angeli and Anagnostou (2022), concerning both the effective remedy and the fragmentation of jurisprudence.

B. Independence

NGOs reported that “the independence, impartiality and effectiveness standards required by Articles 2 and 4 of the Charter of Fundamental Rights – and corollary provisions of the European Convention on Human Rights (ECHR)– as regards criminal investigations, including those regarding border violence and “The IPA transferred competence for the judicial review of first-instance asylum decisions from appellate administrative courts to administrative courts (first-instance).⁵⁸ As the Appeals Committees are composed of administrative judges of different levels,⁵⁹ an issue emerges where a first-instance administrative judge may be called on to judicially review the decision taken by an Appeals Committee composed of administrative judges of a higher level. The situation does not ensure judicial independence in asylum procedures, a requirement that is intrinsically connected with the rule of law and the Union’s fundamental principles.⁶⁰ Furthermore, the potential restriction of civil society activities, including legal aid provision, following recent government regulation of registration and reporting requirements for NGOs has increased uncertainty over the possibility to lawfully implement the recent amendments⁶¹ and attracted the scrutiny of the Council of Europe”²³⁷.

NGOs mentioned that, as far as pushbacks and border violence, “disclosed data demonstrating that over the past five years it has shelved a total of more than 200 investigations into allegations of pushbacks and related human rights violations against refugees and migrants and has not launched a single prosecution against public officials (Public Prosecutors & Naval Court Prosecutor). As highlighted by the European Court of Human Rights (ECtHR) in its landmark *A.R.E. v. Greece* judgment of 7 January 2025, no case has passed the preliminary examination stage, thereby giving rise to serious doubts as to the effectiveness of the criminal justice system”. Referring to the Pylos shipwreck, they also mentioned that: “Concluded in late December 2024 the preliminary examination into the Pylos shipwreck that took place on 14 June 2023 (Naval Court Prosecutor), without summoning officials of the National Search and Rescue Coordination Centre (*Ενιαίο Κέντρο Συντονισμού Έρευνας και Διάσωσης*, EKSED), the Operations Centre and the leadership of the Hellenic Coast Guard, despite clear evidence in the case file pointing to responsibilities for all of the above. The Prosecutor summoned only the captain and crew members of the PPLS920 vessel and the members of the Special Missions Squad of the Hellenic Coast Guard for written explanations. On 23 December 2024, the lawyers representing the survivors and relatives of victims filed a request before the Naval Court Prosecutor, urging for prosecution and a thorough investigation and attribution of responsibility to the competent officers of EKSED and the Operations Centre and to their political supervisors”. Finally, they mentioned that the latest United Nations Human Rights Committee periodic report on Greece “is also concerned about the lack of systematic investigations into allegations of pushbacks and lack of accountability”, and urges Greece to “Ensure that all allegations of excessive use of force and ill-treatment by law enforcement officials are promptly and thoroughly investigated by an independent authority”. The European Committee for the Prevention of Torture (CPT) has also stressed that “the evidence to date seems to highlight that no effective investigations have been carried out into allegations of violent forcible removals from Greece to Türkiye.”. As mentioned in the same report, “Public Prosecutors (*Εισαγγελίες Πρωτοδικών*) have investigated at least 79 cases of alleged push backs from 2020 to present. Official statistics released in August 2024 confirm that zero charges have been levelled by Public Prosecutors against Hellenic Police officers. As for the Piraeus Naval Court Prosecutor (*Εισαγγελία Ναυτοδικείου Πειραιά*), the sole authority competent to launch criminal proceedings against Hellenic Coast Guard officers, official data state that out of a total of 125 cases investigated from January 2019 to October 2024, 106 have been archived, have been referred to Public Prosecutors on competence grounds, and 15 are pending preliminary examination. Therefore, no charges have been levelled against

²³⁷ <https://ecre.org/wp-content/uploads/2021/06/ECRE-Legal-Note-9-on-Asylum-in-Greece-A-Situation-Beyond-Judicial-Control-June-2021.pdf>

Coast Guard officers either”. NGOs explain this behaviour, also citing the lack of independence among investigating officers.²³⁸

The issues of independence, except for those particularly pertaining to the Appeal Authority, refer to all domains, as in the case of criminal investigations.

C. Centralization/decentralization

- *First instance judicial or quasi-judicial body/ bodies:*

Public Prosecutors and Piraeus Naval Court Prosecutor: it is a centralized body responsible investigations at sea.

The Northern Aegean Regional Police Directorate: it is a decentralized body, with 8 different Regional Police Directorates.

First-instance administrative courts: There are 35 first-instance administrative courts throughout Greece.

Appeals Authority: it is centralized in Athens, under the Ministry of Migration and Asylum, but it comprises 21 Appeals Committees

- *Second instance judicial or quasi-judicial body/ bodies:*

Since 2019, Greece has delegated the administrative first-instance courts of Athens and Thessaloniki. It is a decentralized (but reduced decentralization, since it is a competence of only two courts).

Third instance judicial or quasi-judicial body/ bodies:

The Council of State is Greece’s supreme administrative court, and it is centralized in Athens.

Decentralization is particularly relevant in detention cases, especially those involving pre-removal detention. As reported by Angeli and Anagnostou (2022), diverse interpretations and approaches exist among administrative courts, resulting in a heterogeneous jurisprudence. This is due to the fact that there is no possibility for review and thus, no higher courts decide on these cases, guaranteeing the homogeneity of the jurisprudence. Regarding the appeal committees, despite the centralization of the quasi-judicial bodies, the work of these committees seems quite autonomous, resulting in different interpretations. In this case, there would be a review, but the fact that it is delegated to first instance administrative courts and it is extremely difficult to access such a review, the higher vertical control does not fully guarantee a certain homogeneity in the jurisprudence as well as in procedurally relevant aspects such as STC procedures or oral hearings (Dallara and Lacchei 2024).

D. Specialization

The only specialized body on migration and asylum is the Appeal Authority. However, the actual specialization of professionals is hindered by the appointment system. Indeed, most judges only sporadically work in the committees and are thus not largely exposed to migration and asylum issues. Indeed, they are appointed as extra work in the Appeal Authority to obtain extra payment. This means that they continue to work in their courts (administrative general courts) and only occasionally act as judges in the appeal committees (Dallara and Lacchei 2024).

They have access to EUAA and UNHCR trainings. As far as is known, national training is limited.

Adjudicators are not specialized in asylum. Members of the Appeal Authority benefit from greater specialization, as they are dedicated specifically to asylum appeals. However, their specialization is de facto limited by the appointment system (see below). Regarding clerks, there are specialized clerks only in the Appeal Authority, where experts from EUAA are also present. Are involved. In other courts, it appears

²³⁸ https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CSO_Greece-3.pdf

that there are no specialized clerks on migration; however, further research is needed to track de facto specialization within individual courts. Large NGOs with strong expertise in migration and asylum provide the majority of efforts in legal representation, although it is not sufficient due to strong deficiencies in legal aid (already described above).

The Appeal Authority is specialized on paper. However, the actual specialization of professionals is hindered by the appointment system. Indeed, most judges only sporadically work in the committees and are thus not largely exposed to migration and asylum issues. Indeed, they are appointed as extra work in the Appeal Authority to obtain extra payment. This means that they continue to work in their courts (administrative general courts) and only occasionally act as judges in the appeal committees (Dallara and Lacchei 2024).

E. Human resources

The number of first instance professional judges includes 593 first-instance administrative judges, 1167 first instance judges and 916 judges of local courts and District Criminal Courts; the Number of second instance (court of appeal) professional judges encompasses 336 second-instance administrative judges and 598 second instance judges; the Number of Supreme Court professional judges includes 170 administrative judges of Council of State, 5 of the General Committee of the Ordinary and Administrative Courts, 76 judges of Areios Pagos (Supreme Court). Regarding the distribution by male/female, it should be noted that gender statistics are not maintained. Regarding public prosecutors, there are 524 in the first instance, 196 in the second instance, and 25 in the final instance²³⁹. Appeal Authorities are included in these numbers, since they are composed of administrative judges of various instances.

Regarding administrative judges, candidates must first pass a public examination to enter the National School of Judges (ESDI) in Thessaloniki. This school is responsible for selecting, educating, and training future administrative judges. The ESDI has a specialized administrative section for those intending to become administrative judges, which includes training at the Council of State (Greece's Supreme Administrative Court), the Court of Auditors, and first-instance administrative courts. After completing their studies, candidates undergo a probationary period (typically six months) at an administrative court. If they are found capable, they are appointed as judges for life by presidential decree. Promotions and placements within the administrative judiciary are regulated by judicial boards, which evaluate judges based on merit and seniority. The Council of Ministers appoints the Presiding Judges of the Supreme Courts, including the President of the Council of State. For certain high-level appointments, such as those to the Council of State, Parliament may be involved in the final selection from a list of candidates proposed by a judicial body. Administrative judges are distinct from civil and criminal judges and cannot preside over cases outside their respective jurisdictions. Appointment of civil and criminal judges is made using the same method as that of administrative judges. Promotions and transfers are regulated by judicial boards, which evaluate judges based on merit, experience, and seniority. The Council of Ministers appoints the Presiding Judges of the Supreme Courts, including the President of the Supreme Civil and Criminal Court (Areios Pagos). Regarding the Appeal Authority, they are composed by three active Administrative Judges (appointed by the General Commissioner of the Administrative Courts upon their request). The members of the Appeals Committees meet in three-member and single-member bodies and enjoy personal and operational independence. The Appeals Committees' term of office shall be three years and may be renewed once.

The Appeals Committees are assisted by "rapporteurs/research officers," who have access to the file and are entrusted with the drafting of a detailed and in-depth report, that will contain a record and edit of the facts of the case along with the main claims of the appellant, as well as a matching of said claims with the country of origin information that will be presented before the competent Committee in order to decide.

²³⁹ <https://rm.coe.int/greece-country-fiche/1680a77895>

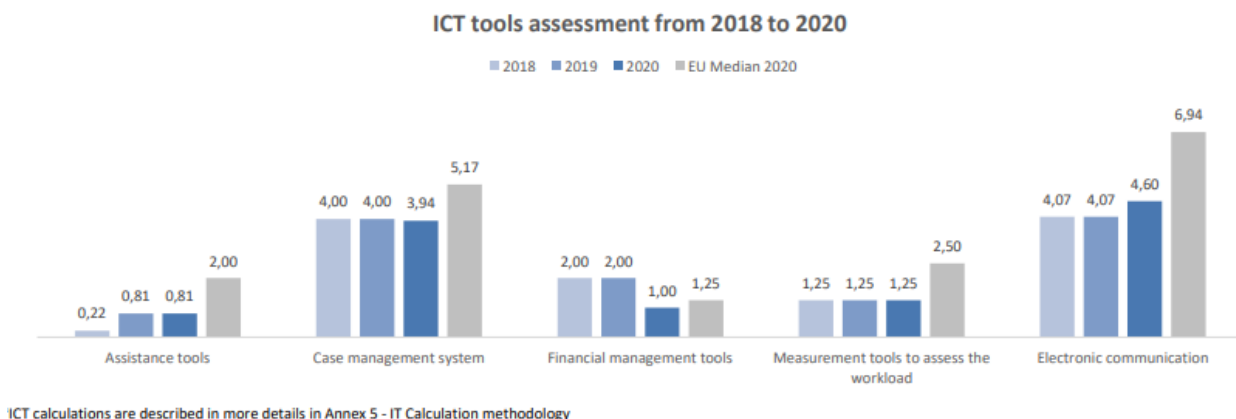
No information is available on other courts, specifically regarding asylum and migration-related cases. However, some broader statistics related to 2020 can offer a clearer picture. In 2020, non-prosecutor staff were 1,631. In 2020, there were 4,198 non-judicial staff in other courts²⁴⁰.

Information is not available. However, considering that most cases in administrative courts mainly follow a written procedure, this can explain the fact that little attention is available in available sources dedicated to interpretation services in courts.

Regarding detention, Angeli (2022) noted that a lack of specialization, large caseloads, and short time frames for adjudication can explain the routinization in pre-removal detention and the lack of quality in adjudication in most cases. Regarding Appeal Authorities see “Specialization”.

F. Tools supporting adjudication

Regarding digitalization, according to the 2025 Rule of Law Report Country Chapter on the rule of law situation in Greece of the European Parliament²⁴¹ “In criminal proceedings, remote hearings of witnesses and the accused were introduced, while the public can monitor online the progress of cases. In December 2024, the first remote hearing took place in administrative justice. Major projects, funded by the Recovery and Resilience Facility, including the upgrading of case management systems in administrative, civil, and criminal justice, are expected to be completed at the beginning of 2026 and to cover almost all workflows carried out by courts. While lawyers recognise the progress made, they highlight that it is still limited to certain courts, and the parallel use of electronic and paper systems creates practical difficulties for practitioners. The application e-pinakio, which allows lawyers to monitor in real time the daily agenda of court hearings before civil, criminal, and administrative courts, has become operational. The Bar welcomed this development, which facilitates their work. Access to case-law is also progressing. A majority of anonymised judgments of the highest courts are available on their respective websites, but not yet the majority of those issued by ordinary courts. Ongoing projects aim to digitalize access to the case law of ordinary courts, thereby addressing the shortcomings identified by the European Court of Human Rights in this respect. The Court of Audit is developing an AI tool to assist judges in preparing draft decisions. The digitalisation of the notary profession is at an adequate level and will further advance with the creation of the electronic registry of wills”.



G. Caseload and delays

There is no complete information concerning the caseload in courts. Only a few elements can be inserted here to provide some context. For instance, concerning detention cases in administrative courts, we know

²⁴⁰ <https://rm.coe.int/greece-country-fiche/1680a77895>

²⁴¹ https://commission.europa.eu/document/download/f2eb4e57-317a-4be4-8baa-b667c9f801d9_en?filename=12_1_63944_coun_chap_greece_en.pdf

that Courts for 2023 show that 4926 ex officio reviews of detention orders issued to asylum seekers were carried out (RSA 2023). Regarding Appeals Committees in 2024, they adopted more than 12,000 decisions (Ministry of Asylum and Migration). However, no data are available concerning the number of appeals issued per year. When it comes to more general data about the caseload in the judicial system, “Court of Athens data refer to 133,440 rendered judgments compared to 224,391 incoming cases”.²⁴²

The Greek justice system faces structural inefficiencies, with a backlog that continues to grow despite a 54.5% reduction in incoming cases at the Court of First Instance of Athens between 2010 and 2023. Although the number of judicial officials in Greece (37.3 per 100,000 inhabitants) is significantly higher than the Council of Europe median of 17.6, the clearance rate remains low at approximately 60%, meaning that for every 100 cases filed, only 60 are concluded²⁴³.

Efficiency in civil proceedings is severely compromised, with cases taking over three times longer to resolve than the European median. At the first instance, the average disposition time is 746 days compared to the Council of Europe (CoE) median of 239 days. This trend continues in the Court of Appeal, where cases average 422 days against a median of 200 days. Furthermore, even with a dramatic decrease in incoming cases—dropping from 5.83 per 100 inhabitants in 2012 to 1.31 in 2022—the system continues to struggle with annual rises in backlogs²⁴⁴.

Criminal proceedings also face significant delays, particularly at higher levels of jurisdiction. The average processing time for first-instance criminal cases is 223 days (CoE median: 133 days), but this rises to 294 days at the Court of Appeal and 304 days at the Court of Cassation (CoE median: 101 days). While new legislative rules (L 5090/2024) have attempted to limit trial postponements, they have proven ineffective because delays are primarily driven by the high volume of cases scheduled on daily dockets and an increase in cases directly referred to trial by Public Prosecutors without prior assessment by judicial councils²⁴⁵.

The administrative justice system shows the most pronounced disparities, particularly at the Council of State, where case resolution takes 1,239 days—more than five times the European median of 234 days. Lower administrative courts also exceed standards, with first-instance cases taking 464 days (CoE median: 292 days) and second-instance cases taking 661 days (CoE median: 215 days). These delays are exacerbated by systemic practices such as repeated postponements of hearings—up to 8 times at first instance and 20 times before the Council of State—and delayed delivery of judgments, which can exceed two years. Additionally, urgent interim relief is slow, with requests for suspensive effect in asylum cases often taking five to six months to be decided²⁴⁶.

One of the most significant consequences is the timely delivery of the judgment, particularly because courts often delay scheduling the hearing and frequently postpone it. The NGO reports persistent and systemic delays at all stages of asylum-related judicial proceedings before Greek administrative courts. Hearing dates are often scheduled several months after filing and, in many cases, more than one year later. Hearings are frequently postponed ex officio, with some first-instance cases reportedly adjourned six to eight times, while cases before the Council of State may be postponed up to twenty times. Additional delays arise from the suspension of numerous cases pending rulings by the Council of State on preliminary constitutional questions. Even once hearings take place, judgments may be issued only after prolonged periods, sometimes exceeding two years. As a result, the majority of judicial review applications lodged since 2021 reportedly remain pending at first instance, while some cases before the Council of State have been unresolved since 2018. The report further notes that interim relief mechanisms provide limited practical protection. Requests for suspensive effect have taken five to six months to be decided in 2024, and provisional orders are unavailable in asylum cases, irrespective of urgency²⁴⁷. A different situation concerns

²⁴² https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CSO_Greece-3.pdf

²⁴³ https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CSO_Greece-3.pdf

²⁴⁴ https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CSO_Greece-3.pdf

²⁴⁵ https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CSO_Greece-3.pdf

²⁴⁶ https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CSO_Greece-3.pdf

²⁴⁷ https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CSO_Greece-3.pdf

the administrative court of Thessaloniki, where the decisions after applications for interim measures are issued more or less within a month after the submission.

H. Judicialization of politics

To reply to the following questions, consider judicialization as a neutral term, aiming to grasp a process (increasing influence of the judiciary in a policy field) instead of a certain outcome (e.g., higher protection of human rights). Please see the section 'Defining terms' for the definition of 'judicialization of politics'.

The major change was the creation of the Appeals Authority in 2019, which, due to its specialization, expanded the competence of quasi-judicial bodies responsible for adjudicating asylum access.

The only area in which courts may have played a more significant role was the concept of STC, with some rulings questioning government policy (Part II). However, this has not led to substantive change.

III. OTHER ACTORS IN ASYLUM ACCESS ADJUDICATION

A. Bodies of the executive branch in asylum access adjudication

To answer the following questions, refer to the list of the involved executive bodies in asylum access adjudication provided in Part Two, Section B. Please see the section 'Defining terms' for the definition of 'judicialization of politics'.

The only executive body specialized in asylum is the Asylum Service, which processes asylum applications at first instance. When it comes to reviewing administrative and executive decisions or practices, a relevant body is the Police Directorate, which is responsible for assessing police violations and has been involved in investigations related to pushbacks.

As already mentioned, RSA and other NGOs denounced the limited efforts in pursuing investigations against pushbacks and violence of the police at the border. When it comes to trials and court proceedings, the few available sources indicate that in asylum appeals before the Appeal Committee, government representatives rarely appear and actively participate in the proceedings (Dallara and Lacchei, 2024).

Apart from explaining why almost all investigations have been dismissed by the Police Directorate, no implications have been detected. More information will emerge in interviews.

B. International or regional organizations

To answer the following questions, refer to the list of the involved international and regional organizations in asylum access adjudication provided in Part Two, Section B.

The most relevant international organizations involved in Greece are Frontex, EUAA, and UNHCR.

Since late 2019, the composition of Greece's Appeals Committees has undergone significant changes under the revised Greek International Protection Act. Currently, each committee is made up of three administrative law judges, following a legislative amendment that removed the UNHCR representative from its membership. This latest change marks the third major reform to the committees' structure. In June 2016, their composition was altered to include two administrative law judges—appointed by the General Commissioner of the Administrative Courts—and one UNHCR representative. Before this, until June 2016, the committees consisted of one representative from the Ministry of Interior, one from UNHCR, and one human rights expert selected from a list compiled by the National Commission on Human Rights.

EUAA supports the Asylum Service in the first instance by conducting interviews and issuing expert opinions, and it plays a supportive role in Greece's second-instance asylum decision-making process. Under Greek law, EUAA provides rapporteurs to the national Appeals Committees, a function explicitly defined by national legislation. These rapporteurs are responsible for preparing a preliminary report, which

includes a detailed summary of the case facts, the appellant's arguments, and relevant country-of-origin information to assist the independent Appeals Committees in their deliberations. Recent field research by the European Council on Refugees and Exiles (ECRE) confirms that the rapporteurs' role is limited to preparing the case file and conducting country-of-origin information (COI) research upon request by the committee members. Importantly, rapporteurs do not provide legal opinions—not even advisory ones—regarding the grant of international protection. As a result, national stakeholders in Greece have not identified any conflict-of-interest concerns arising from EASO experts' involvement in both the first- and second-instance procedures (see Tsourdi 2020).

C. NGOs and bar associations

In Greece, also due to the deficiencies in the public legal aid system (see above), NGOs play a crucial role in asylum access adjudication. Most migrants and asylum seekers affected by the barriers listed in part I, who are able to reach courts, do so through the support of specialized NGOs. The most prominent are the following:

1. Refugee Support Aegean (RSA): RSA is heavily involved in strategic litigation, representing refugees and asylum-seekers in national and international courts to challenge systemic issues in the Greek asylum system. They document and report on human rights violations, particularly in the context of asylum procedures and reception conditions. RSA monitors the Greek asylum system, providing legal analysis and advocacy to improve adjudication processes. Their monitoring and litigation work often intersects with issues related to pushbacks and border violence (they litigate cases of pushbacks in criminal courts), as well as detention, especially in pre-removal centres. Refugee Support Aegean (RSA) has offices and staff based on the Eastern Aegean islands. Specifically, RSA's team is present on islands such as Chios, Lesbos, Samos, Leros, and Kos, as well as on the mainland in Greece (including Athens and other urban centres). They were also directly involved in relevant cases before the CJEU and national courts regarding STC procedures.

2. HIAS Greece: HIAS provides direct legal aid and representation to refugees, with a focus on vulnerable groups such as survivors of violence, unaccompanied minors, and those with complex legal needs. They publish reports on Greek asylum case law, offering analysis and recommendations to improve the fairness and efficiency of asylum procedures. HIAS is involved in challenging restrictive NGO regulations and other systemic issues affecting refugee rights. In addition to legal support, they provide mental health services to refugees, recognizing the psychological impact of displacement and legal uncertainty. Among their areas of expertise, there is a particular focus on asylum appeals before the Appeal Authorities. Their main activities are in Athens (main office and operations) and the Eastern Aegean Islands (support and outreach).

3. Equal Rights Beyond Borders: The organization is known for its strategic litigation efforts, particularly in challenging unlawful detention practices and filing complaints with the European Court of Human Rights. They largely focus on combating the arbitrary detention of asylum-seekers and refugees, advocating for alternatives to detention. They are currently involved in a pending case on suspension of the right to asylum. They offer legal representation throughout the asylum process, ensuring fair treatment and access to rights. They have a main office in Athens, as well as field offices and legal clinics in Chios and Kos.

4. Greek Council for Refugees (GCR): GCR provides legal representation and counselling to refugees and asylum-seekers, with a focus on access to asylum and protection. They advocate for refugee rights at the national and international levels, engaging with policymakers and other stakeholders. They are active in various relevant areas, such as detention and STC procedures. They are also among the most experienced in criminal cases, concerning pushbacks and smuggling, has offices on several Greek islands. According to their official information, GCR operates in Lesbos, Kos, and Heraklion (Crete), in addition to their main offices in Athens and Thessaloniki.

5. Human Rights Legal Project: HRLP provides comprehensive legal assistance to empower displaced communities to access the justice system and realize their human rights. Unlike many legal aid organizations, they do not directly assist individuals with asylum claims; instead, they focus on broader legal empowerment and systemic issues. They are involved particularly

6. Equal Legal Aid: They offer legal support and aid to refugees and displaced individuals. They are active in the mainland, and particularly in the region of Thessaloniki. Their specialization is on procedural barriers in the asylum procedures (registration and during the examination process).

7. METAdrasi – Action for Migration & Development: METAdrasi is a leader in providing professional interpretation services in over 40 languages, ensuring refugees and migrants can communicate effectively with authorities and service providers. They provide legal aid and information to refugees and migrants, with a focus on ensuring access to rights and procedures. They have multiple locations across Greece, including refugee camps and urban centres.

As previously mentioned, NGOs play a crucial role in strategic litigation. Many of them have a specialized legal team, and among their missions are litigation and strategic litigation in court, as well as providing legal aid to people on the move. These organizations have been targeted by the executive, with reforms aiming at reducing their actual influence. Particularly, NGOs and international bodies largely condemn the existing registration regulatory framework. All Greek and international NGOs active in refugee support, protection, and legal representation must register in the Registry of Greek and Foreign Non-Governmental Organizations under the Ministry of Migration and Asylum. This requirement was formalized by Joint Ministerial Decision 10616/2020 and is codified in Article 78 of the Asylum Code (Law 4939/2022). NGOs must also register their members in a separate Registry of NGO Members (AIDA 2025).

Access to reception centres, camps, and detention facilities is subject to prior permission from the competent authorities. This can limit NGOs' ability to provide on-site legal aid and monitor conditions (AIDA 2025). In November 2024, the UN Human Rights Committee expressed concerns about the stringent registration requirements imposed on civil society. As reported by several NGOs:

“While the announced digital interoperability between the different registries is not yet in place, following an agreement between the Ministry of Interior and the Ministry of Migration and Asylum (MoMA) on the technical solution, the relevant tender is expected to be launched by the end of June 2025. The MoMA intends to evaluate and revise the legal framework of its special registries by the end of 2025 with a view to simplifying procedures and reducing administrative burden. For this purpose, and in view of placing its engagement with civil society on a more structured basis, the MoMA requested, in late May 2025, feedback from all registered CSOs through two targeted questionnaires. Stakeholders noted that despite announcements about upcoming reforms, for now, the rules governing registration remain unchanged. In parallel, the Ministry of Interior is preparing draft legislation establishing an additional platform for the compulsory registration of all CSOs. The purpose of the new platform, on which CSOs will need to register annually, is to carry out a complete mapping of CSOs' activities. The Government considers that a structured dialogue is established between registered CSOs and the MoMA; however, so far, only one meeting has taken place in November 2024. In this context, the MoMA plans to hold biannual meetings per thematic pillar. CSOs have expressed criticism about the format and concerns about statements accusing CSOs of involvement in smuggling and embezzlement of funds. The European Commission considers that structured dialogues must be regular, long-lasting, and result-oriented. In light of the above, there has been limited progress on implementing the recommendations made in previous reports. organisations (CSOs), in particular those working in the areas of migration and asylum, and called upon Greece to review its legislation. The case before the Council of State challenging some aspects of the legality of the legislation on the registration of the CSOs active in the area of asylum and migration and migration”²⁴⁸.

²⁴⁸ https://gcr.gr/wp-content/uploads/RoL2025_JointSubmission_CSOGreece-3.pdf

They are crucial for providing free legal aid to migrants and asylum seekers, allowing them to access justice. However, their capacity remains limited due to available resources and the number of available lawyers (See above).

They are also active in monitoring unlawful practices and collaborate with a network of NGOs not involved in litigation, such as No Name Kitchen, which provides support to migrants and asylum seekers in detention, as well as national and transnational actors monitoring violence at the border (e.g., BVMN).

IV. THE SOCIO-POLITICAL CONTEXT

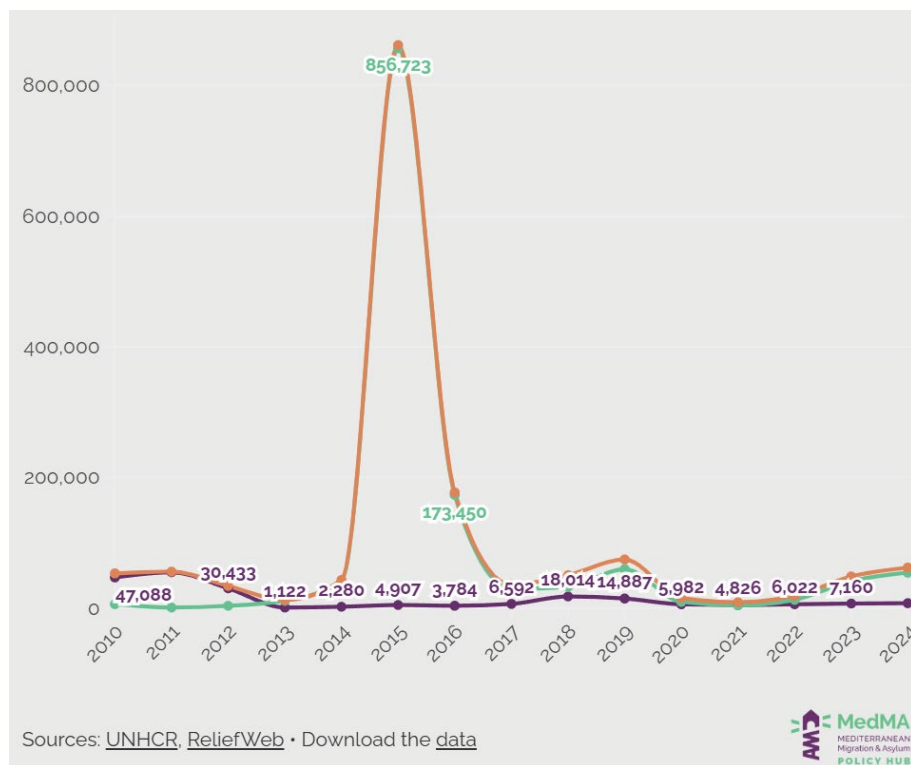
A. Migratory routes and entry points

Tramontanis (2025) offers a comprehensive picture of migration flows since 2015, where the topic of migration became a relevant issue in the country. During 2015 and 2016, Greece experienced an unprecedented influx of more than one million migrants and refugees, largely driven by the Syrian civil war and conflicts in the Middle East and North Africa. The majority of these individuals originated from Syria, Afghanistan, and Iraq. This population was primarily transient, using Greece as a gateway to reach Western European destinations such as Germany, Sweden, Austria, and France. This mass movement was curtailed in early 2016 due to the closure of the Balkan route (specifically North Macedonia's land border) and the signing of the EU-Türkiye Statement in March 2016. The impact was immediate: arrivals dropped from over 150,000 in the first quarter of 2016 to fewer than 4,000 in April. While most of the million-plus arrivals had already left, approximately 27,600 to 30,000 individuals became stranded on the Greek mainland in the summer of 2016, placing significant pressure on a country then facing a severe economic crisis. Following the 2016 reduction, irregular crossings never completely stopped, with 50,500 arrivals in 2018 and 75,000 in 2019. A major escalation occurred in February and March 2020, when Türkiye actively encouraged 12,000 to 25,000 people to move toward the Evros land border. This event, described as the weaponization of migrants, led to violent clashes as the Greek army and police prevented the borders from being overrun. In recent years, particularly since 2023, a significant surge in arrivals occurred in autumn, with over 12,400 individuals housed in island reception facilities by mid-September. As reported by AIDA (202), "In 2023, 41,561 refugees and migrants arrived in Greece by sea and 7,160 arrived by land (Total: 48,721). This represented a 159% increase compared to 2022 (18,780 arrivals). During the same period, the number of people reported dead or missing (799) more than doubled compared to 2022 (343). This increase was largely due to the devastating Pylos shipwreck that occurred on 14 June 2023. Of the people who arrived by sea, 24% were children (17% of whom were recorded as unaccompanied), 18% were women, and 57% men. As in previous years, the majority were from Afghanistan and arrived in family groups. The registered number of entries in 2023 may, however, underrepresent the actual number of people who attempted to access the Greek territory, given the large number of alleged pushbacks, which continued to be reported as a systematic practice throughout the year". Based on the 2024 annual report of the MedMa, by the end of 2024, the total number of irregular arrivals from Türkiye had reached 56,066, surpassing the 2023 total by 10,000. Of these, 48,479 individuals arrived on the islands, while 7,587 arrived on Evros. At the same time, 5,987 people arrived through the Central Mediterranean Route. Over the course of the year, 36,461 individuals were transferred from the 5 main islands with Closed Controlled Access Centres (C.C.A.C.) to the mainland. The basis of these transfers is not provided in the report. It can be safely assumed that they include the 5,761 vulnerable persons registered during the first nine months of 2024. By the end of 2024, the total population of asylum seekers remaining on the islands stood at 12,407. For a deeper understanding of the connection between arrivals, C.C.A.C. capacity, and transfers, you can browse the visualization below.

Between 2015 and 2017, the Eastern Mediterranean route served as the primary gateway for unprecedented migration into Europe, with Greece receiving 84% of total Mediterranean arrivals in 2015 alone. Migrants and refugees demonstrated a clear preference for sea crossings from the Turkish coast to the North-Eastern Aegean islands—most notably Lesbos, Chios, Samos, Leros, and Kos—as these were perceived

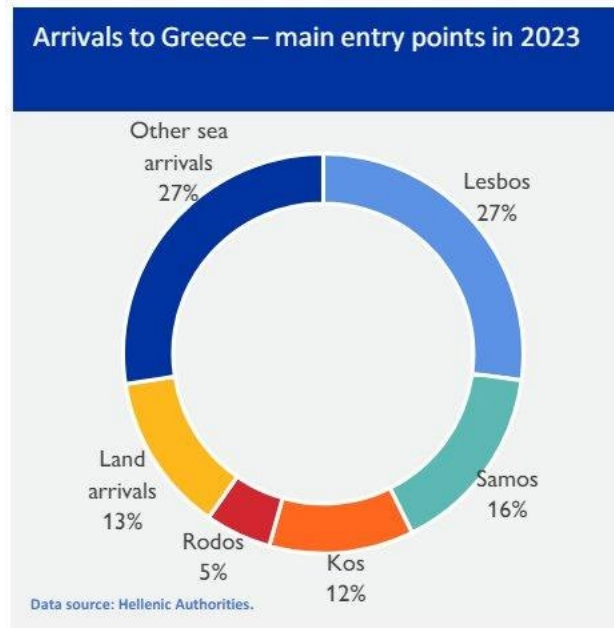
as safer and faster than land routes, which were obstructed by the Evros border fence. However, the situation shifted dramatically following the EU-Türkiye Statement in March 2016 and the concurrent closure of the northern borders with the Former Yugoslav Republic of Macedonia (FYROM). These developments led to a 71.35% decrease in arrivals by 2017, largely diverting the bulk of migration flows toward the Central Mediterranean route. While secondary paths, such as the Western Balkan and circular Albanian routes, remained in use, the combination of border closures and policy shifts resulted in the stranding of over 60,000 individuals within Greek territory by the end of 2016.²⁴⁹ Between 2020 and 2022, there was a decrease in arrivals from all routes due to restrictive policies and the impact of COVID-19. After 2023, there is an increased number of arrivals, which, however, does not seem to be comparable to those between 2015 and 2023. There is an important change in migratory routes, with new arrivals in the southern islands from Northern Africa. This is connected to changes in migration policy in Libya, particularly in the eastern part of Libya and the Benghazi government, as well as restrictive migration policies in other EU Southern countries, notably Italy.

Data shows that arrivals are mainly by sea, while a small percentage occurs by land. In the graph, the orange line represents entrance by sea and the purple line by land.



The following graph illustrates the main entry points in 2023, which have remained relatively consistent since 2015, with notable arrivals in Lesbos and Samos.

²⁴⁹ <https://www.kepe.gr/wp-content/uploads/2018/03/Migration-and-refugee-flows-into-Greece-during-the-period-2015-2017-A-descriptive-analysis-Evangelia-Kasimati-Roy-Panagiotopoulou.pdf>

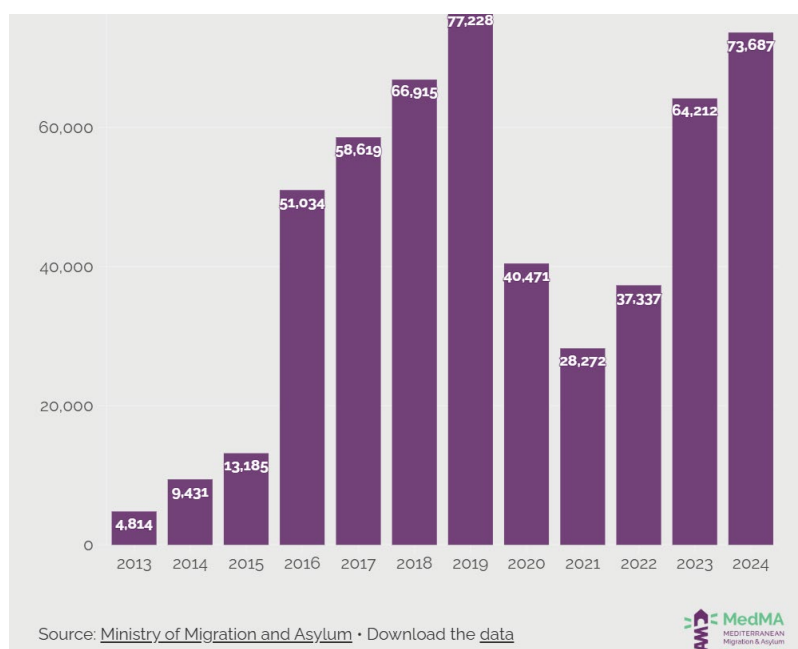


Since 2024, significant changes in entry points, linked to transformations in migratory routes, have occurred in Greece, with a notable increase in entries on the southern islands, particularly in Crete, which, up until October 2025, received more than 15,000 migrants. Most of these migrants arrive from the Eastern Mediterranean Route from Egypt and Libya. These changes explain the recent policy of suspension of asylum for this category of migrants (See Part I).

In islands, the hotspot approach is predominant, and almost all people arriving via sea are subject to a screening procedure and, de facto, detention in RIC and CIACC, with extensive use of border surveillance technologies (see Part I). For entrance by land, which mainly occurs at the Evros border, the militarization of the border has led to increased difficulties for irregular migrants to avoid detection, but it also means that people are not registered when crossing the border.

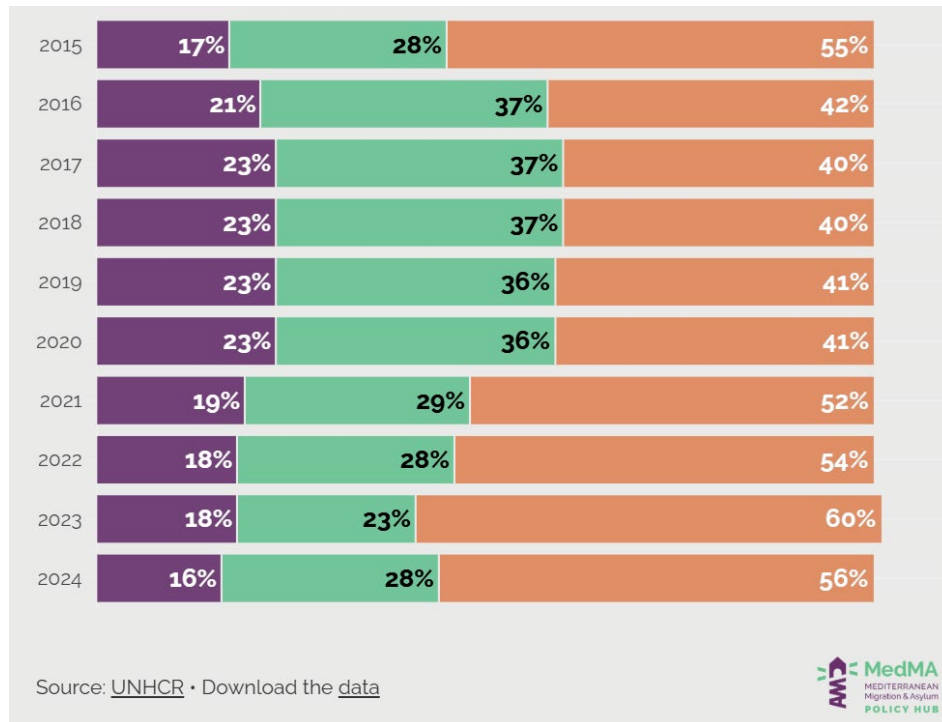
B. Composition and spatial distribution of forced migration population

The following graph describes the number of asylum applications from 2013 to 2024. There is a notable increase in applications between 2015 and 2019, followed by another rise between 2023 and 2024.

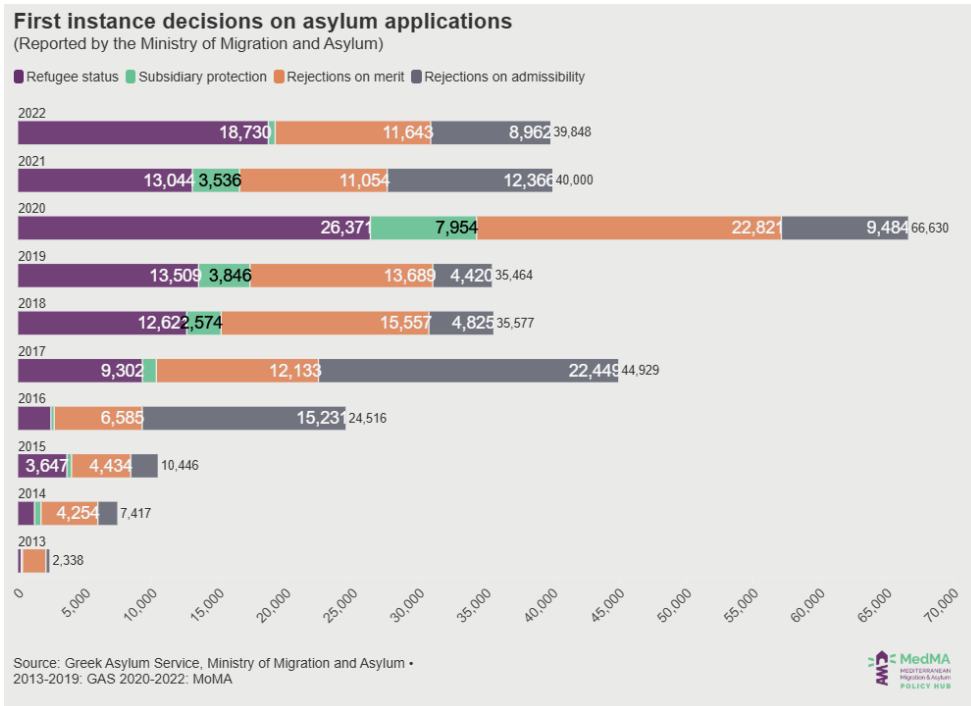


Regarding nationalities, based on data from the Ministry of Migration and Asylum, in 2015, the nationalities most represented in asylum applications were Syrians, Afghans, and Pakistanis. In 2019, they remain the three most represented nationalities, but with a consistent increase of Afghans (almost 24,000 people). In 2023, we saw a significant increase in Palestinians, who represented the third-largest group of nationals, after Syrians and Afghans. Finally, in 2024, we see an increase in the number of people from Egypt (the third national group after Syrians and Afghans), also due to the changes in migratory routes already explained.

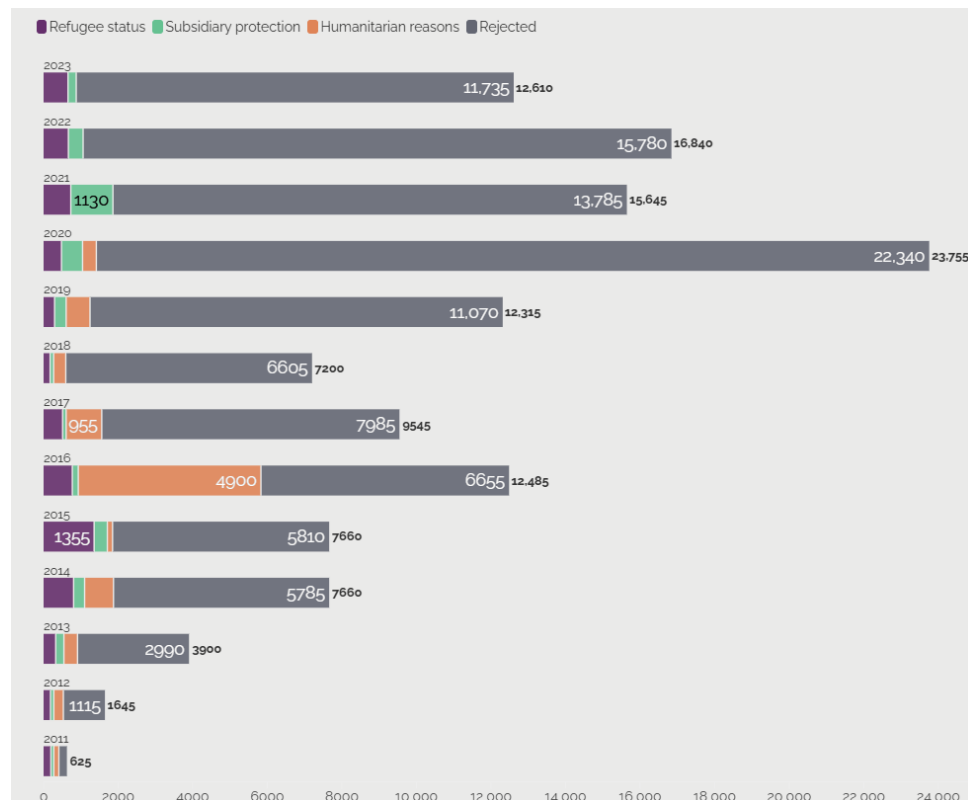
Regarding the age composition, we see a significant number of minors, who represented from 2016 to 2019 36-37% of total asylum seekers. Thus, procedural barriers affecting minors (described in part I) affected a large number of asylum applicants in the country.



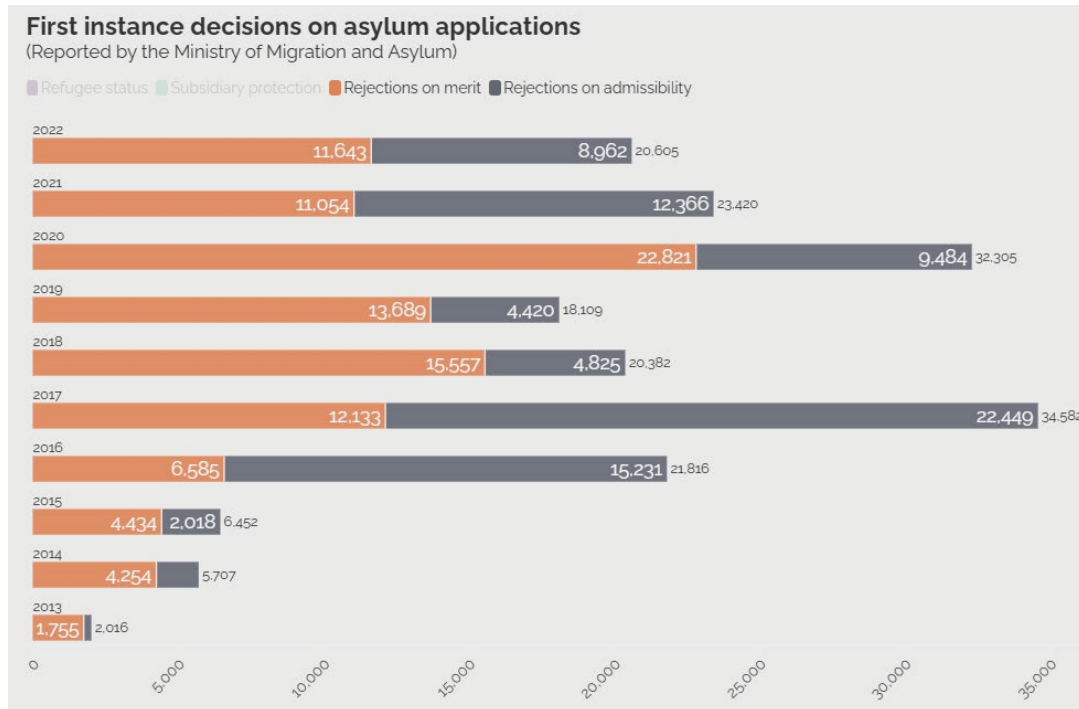
Regarding asylum decisions at the first instance, more than half of applications are rejected; however, recognition rates are not particularly low compared to those of EU countries.



An interesting aspect concerns the recognition rates at the second instance, which are particularly low, especially in comparison to other Southern European countries, such as Italy or Spain. Indeed, at the appeal stage, almost all decisions are rejected by the Appeal Authority. These data can be particularly interesting in light of the discussion in this report regarding the lack of effective remedies and limits in the judicial configuration of the appeal bodies.

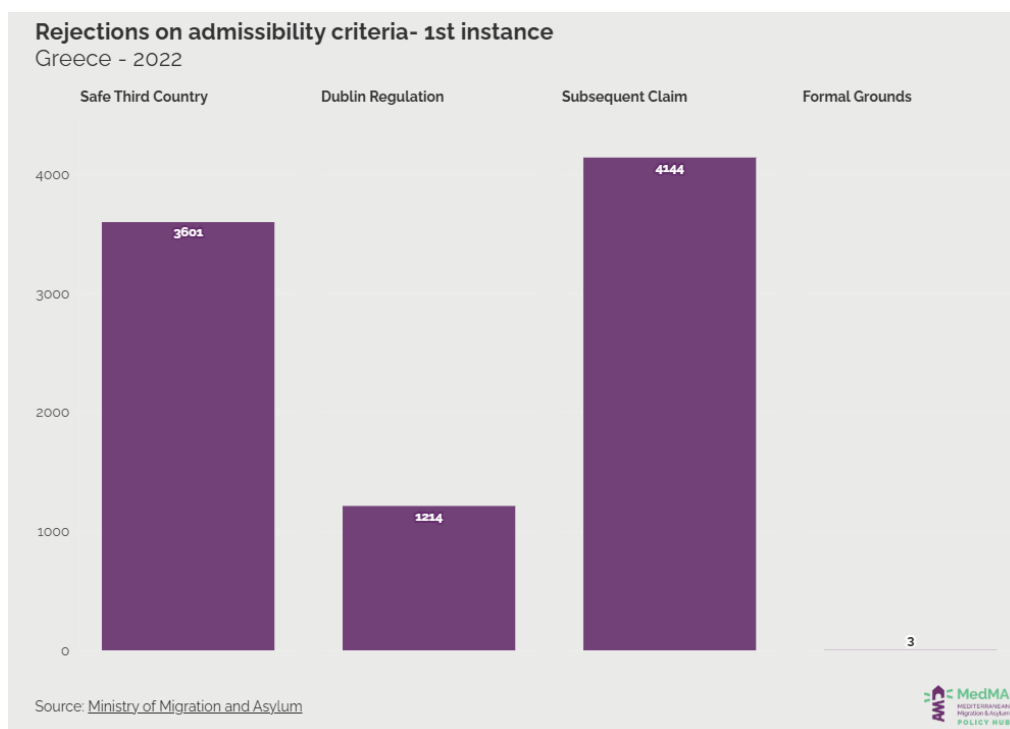


Another interesting aspect of the report's aim is the details of rejections at the first instance. Unfortunately, there are no available data on the type of rejections at the appeal stage.



The graph shows that a consistent number of rejections are not on merit but on administrative grounds. This means that they are considered inadmissible. This trend is particularly evident between 2016 and 2017, during which 3,4582 rejections were deemed inadmissible, resulting in 2,2449 rejections. In 2021, more than half of the rejections were.

Data from 2022 shows the relevance of STC procedures in rejections for inadmissibility. Despite most of the rejections under this ground pertain to subsequent applications, the STC procedure is extremely relevant.



Jurisprudence has frequently assessed unlawful practices and violations of rights for minors and particularly unaccompanied migrants, subject, for instance, to detention or without proper support during the asylum application, resulting in sham procedures (See part II).

C. Political and public debate in the country

Interestingly, existing research highlights that, at least during the so-called refugee crisis of 2015-2016, unlike in other EU countries, the topic of asylum and migration was not largely politicized (Hutter 2021). For instance, Kriesi et al. (2024) show that “in Greece, in the aftermath of the refugee crisis, despite the country being at the forefront of the refugee exodus, the salience of the issue remained low, below the EU average, as people were still not ranking immigration as one of their top concerns, and parties did not prioritize the issue in the campaign discourse. Additionally, while the first election occurred exactly one month after the most massive refugee wave, in September 2015, the electorate and parties were too preoccupied with the economic state of affairs, while the next election was held four years later, in 2019, quite far timewise from the peak of the refugee crisis”. Scholars argue that this is mainly due to the relevance of economic concerns and due to the political system, with the lack of the rise of far-right parties politicizing anti-immigration sentiments to compete with (Kriesi et al. (2024).

The report by ODI on Public Narrative and Attitudes towards Refugees and Other Migrants, written by Bailey-Morley and Lowe (2023)²⁵⁰, provides a general overview of the relevance of the topic of access to asylum in the country. In the Greek public debate, access to asylum is a highly charged and complex topic, heavily influenced by historical waves of migration, ongoing economic instability, and geopolitical tensions with Türkiye. While immigration is not always the most pressing public concern compared to the economy, its salience has spiked during periods of high political visibility, particularly when framed as a security threat. The public narrative regarding border control has become increasingly securitised, transitioning from the restrictive policies of the 1990s to a current framework that prioritises deterrence. Since 2019, political discourse has framed Greek borders as “Europe’s shield against irregular flows, a narrative that has been used to justify the expansion of border fences and advanced surveillance systems. Public debate is deeply affected by the perception that Türkiye “weaponizes” migrants for political leverage, with Greek officials often characterising Türkiye as an “official migrant trafficker”. Although international bodies and civil society have documented “de facto general policy” pushbacks at land and sea borders, the domestic political narrative often dismisses these reports as “Turkish propaganda” or “fake news”.

When it comes to anti-immigration or pro immigrations sentiments in the country, the same report²⁵¹ well explains that a notable contrast exists in the public sphere between the treatment of Ukrainian refugees—who were welcomed through a simplified process—and other asylum seekers, leading to charges of a “two-tier refugee system”. Greek attitudes towards those seeking protection are nuanced and often contradictory, shifting based on the perceived duration of the stay and the origin of the individuals. A strong “solidarity movement” emerged in 2015, driven by a humanitarian narrative that viewed arrivals as “refugees” reminiscent of Greece’s own historical displacement. However, this support dwindles significantly when considering permanent settlement rather than transit. Negative attitudes are primarily driven by fears that migrants will drain scarce resources, take jobs, or exploit welfare systems, particularly following the protracted economic crisis. There is a high level of anxiety regarding crime and terrorism, with 67% of the population believing immigration increases the crime rate. Furthermore, a significant portion of the public views Islam as incompatible with Greek society, reflecting a preoccupation with maintaining ethnic and religious homogeneity. The debate is further complicated by exceptionally low public trust in the media, civil society organisations, and the government, leading many to rely on social media or personal networks for information on migration. The report also stresses that negative attitudes toward refugees and migrants pertain to various aspects. There is a pronounced and persistent fear that

²⁵⁰ https://media.odi.org/documents/ODI-Public_narratives_Greece_country_study_08June23.pdf

²⁵¹ https://media.odi.org/documents/ODI-Public_narratives_Greece_country_study_08June23.pdf

migrants will exacerbate unemployment and drain scarce public resources. Many Greeks believe migrants take jobs and social benefits that should belong to citizens, particularly following the protracted economic recession. Surveys indicate that a majority of the population views immigration as detrimental to the economy due to the perceived costs to the welfare system and the exploitation of state benefits. Negative attitudes are rooted in the concern that migration will worsen the country's existing fiscal challenges. Public concern regarding personal and national security is a significant driver of hostility and more recent surveys show that a high percentage of the Greek population believes immigration increases the threat of terrorism. These fears have often been reinforced by political and media narratives that frame migration as a threat to public safety. A third major driver is the perceived threat migration poses to Greece's ethnic and religious homogeneity. Greece has long viewed itself as an ethnically homogenous society, and the "migrant other" is often seen as a threat to cultural and religious traditions. There is a specific and notable reluctance to accommodate religious diversity, particularly regarding Islam. A significant portion of the population perceives Islam as incompatible with Greek society, which is deeply tied to Greek Orthodox Christianity. Public sentiment often prioritises the need for immigrants to adjust to the "Greek way of life," including sharing cultural traditions and speaking the national language, as a prerequisite for acceptance.

These treats are exacerbated by media discourses. Through a semantic network analysis of nearly 10,000 opinion articles from major outlets, Kollias, Kountouri and Kalamanti (2025) identified two dominant frameworks: the "political threat" frame and the "dual-identity" frame. The former portrays the rise of far-right populism and extremist rhetoric as a systemic risk to democratic stability, while the latter reflects a persistent tension between security enforcement and humanitarian obligations. While framing often aligns with the ideological leanings of each outlet—with right-leaning media prioritising securitisation and left-leaning media focusing on the victimisation and human rights of migrants—the study concludes that these frames are not strictly segregated but rather coexist to reflect complex societal anxieties and policy dilemmas. Ultimately, they show how the Greek press continues to frame migration primarily through a negative lens, focusing on risks to national security and political order, while humanitarian concerns remain a significant but often contradictory pillar of the public discourse.