



Expert Opinion: No Returns to Greece—Dublin Returnees Face Real Risk of Inhuman or Degrading Treatment

Introductory remarks

Democratic Lawyers of Switzerland: The Democratic Lawyers of Switzerland ([Demokratische Jurist*innen Schweiz](#), DJS) is an association of lawyers in Switzerland and a member of the European Association of Lawyers for Democracy and World Human Rights (ELDH). Founded in 1978, DJS focuses on access to justice for all. To this day, DJS unites jurists and lawyers who are committed to the development of constitutional rights, the fight against the abuse of power, and solidarity with those excluded in and through law and politics in Switzerland and beyond.

Legal Centre Lesvos: The [Legal Centre Lesvos](#) AMKE (LCL) is a civil non-profit organisation registered in Greece and previously operative as a restricted fund under the auspices of Prism the Gift Fund (UK). Since August 2016, LCL has provided free and individual legal information, assistance, and representation to migrants who arrived to the Greek island of Lesvos, where the main office is based. This legal assistance and representation is offered in matters of asylum and migration law as well as criminal law, including both criminal defence and the submission of criminal complaints against e.g. Greek law enforcement officers implicated in border violence. Relatedly, LCL is documenting human rights violations and engaging in advocacy as well as international litigation in an effort to hold the Greek government, Member States of the European Union, and European institutions to account for these documented violations. In addition, LCL advocates for equal access to safe and legal routes of migration in Greece, Europe, and globally. LCL has been a member organisation of ELDH since 2023, of Migreurop since 2024, and the Border Violence Monitoring Network (BVMN) since 2025.

Samos Volunteers: [Samos Volunteers](#) (SV) has been active in Greece since 2016, providing vital support to the displaced community on Samos island. SV operates two community centers offering informal language classes, CV assistance, psychosocial activities, and emergency non-food item (NFI) distribution. Through the provision of safe spaces, collaboration, and dignified initiatives like a free clothing shop, SV's mission is to empower individuals and foster autonomy. Guided by community volunteers and international volunteers, SV aims to constantly adapt to evolving needs, bridging gaps in human rights provision and advocating for justice at the Turkish-Greek border.

The present expert opinion on the possible, widened resumption of returns to Greece under the Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 (hereafter ‘Dublin III Regulation’)¹ was drafted by LCL and SV at the request of DJS after the Swiss State Secretariat for Migration (SEM) issued several inadmissibility decisions in summer 2024 intending to transfer several asylum seekers from Switzerland back to Greece. For this expert opinion, the authors analysed five ‘Dublin decisions’ issued by SEM that are not publicly available but were provided to the authors through DJS by the respective applicants.² Based on so-called ‘individual assurances’ that were provided by the Greek National Dublin Unit for these cases,³ all five decisions found that Switzerland is not responsible for the examination of the asylum claim and that the respective applicant is obliged to return to Greece. As of this writing, the appeals against these SEM decisions were still pending.

Following the authors’ analysis of these decisions, the following key issues are explored herein:

- Access to the asylum procedure in Greece after a Dublin return to Greece (⇒ II);
- Reception and living conditions in Greece (⇒ III);
- Risk of detention after a Dublin return to Greece and detention conditions in Greece (⇒ IV);
- Continued risk of border violence (⇒ V);
- Systematic failure to investigate violations of migrant rights in Greece (⇒ VI).

As the expert opinion seeks to answer questions which are relevant for today’s assessment of Dublin returns to Greece, it does not consider in detail the reform of the Common European Asylum System (CEAS),⁴ including the new Asylum and Migration Management Regulation (AMMR)⁵ which modifies the Dublin system.⁶ As the CEAS reform must be implemented within two years,⁷ the expert opinion relies on the rules and standards still applicable today. However, this opinion’s considerations regarding the prohibition of return to a Member State, if treatment according to the European Convention on Human Rights (ECHR)⁸

¹ The Dublin III Regulation is available [here](#).

² The decisions examined by the authors were provided through DJS by the applicants themselves who chose to share their decisions for the purpose of this expert opinion. The related documents are not public, and the authors will not refer to any personal or otherwise specifiable information therefrom.

³ The authors were provided with a copy of an acceptance letter of the ‘take back request’ provided to the Swiss asylum authorities by the Greek National Dublin Unit that includes ‘individual assurances.’ These ‘individual assurances’ read as follows: *“We would like to inform you that the above-mentioned third country national will be accommodated in a reception facility, in conformity with the Reception Conditions Directive (2013/33/EU), the details of which will be conveyed as soon as you inform us about the transfer date. Regarding access to the asylum procedure the person in question will be notified upon arrival by the competent airport police authorities, with the assistance of an interpreter, about the process in accordance to the Asylum Procedures Directive (2013/32/EU).”* The related document is not public.

⁴ Besides the modification of the Dublin system, the new CEAS adopted by the European Parliament in 2024 further includes reforms of the Qualification Regulation, Procedures Regulation (⇒ II.1), and Reception Conditions Directive (⇒ III.1). For more information on the CEAS reform, see RSA: ‘11 Questions and Answers on the reform of the Common European Asylum System (CEAS),’ 21 October 2024, available [here](#).

⁵ Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 (Asylum and Migration Management Regulation, AMMR), available [here](#).

⁶ For further information on the new ‘Asylum and Migration Management Regulation,’ see official website of the Council of the EU and the European Council, available [here](#); or ECRE: ‘ECRE Comments on the Regulation of the European Parliament and of the Council on Asylum and Migration Management, Amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013,’ 10 May 2024, available [here](#).

⁷ There is a two-year period before the entry into application for all instruments reformed under the new CEAS, except for the EU Resettlement Framework which applies immediately. Official website of the EUAA: ‘2.1. Reforming the Common European Asylum System,’ last accessed 4 February 2025, available [here](#).

⁸ The ECHR is available [here](#).

or the Charter of Fundamental Rights of the European Union (EU Charter)⁹ is not effectively guaranteed, will also apply to the new AMMR.¹⁰

This expert opinion is based on the authors' experience in the field; related open source information, such as reports from NGOs active/operating in the asylum field in Greece; information provided by the Greek and the European Ombudspersons; academic research; official government data; publications by EU and European Council bodies; and relevant international case law. Last but not least, the authors greatly thank Rosemary Pritchett-Montavon, U.S. lawyer, for her editing support, and Agnes Hofmann for the design.

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⁹ The EU Charter is available [here](#).

¹⁰ Article 16(3) of the AMMR, which explicitly refers to Article 4 of the UN Charter, the 'parallel guarantee' to Article 3 of the ECHR.

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List of Abbreviations

AI	Amnesty International
AIDA	Asylum Information Database
AMMR	Asylum and Migration Management Regulation
BVMN	Border Violence Monitoring Network
CAFTAA	Controlled Access Facility for the Temporary Accommodation of Asylum Seekers
CCAC	Closed Controlled Access Centre
CCTV	Closed-circuit television (video surveillance)
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
CPT	Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DJS	Demokratische Jurist*innen Schweiz / Democratic Lawyers of Switzerland
EASO	European Asylum Support Office (today EUAA)
ECCHR	European Centre for Constitutional and Human Rights
ECHR	European Convention on Human Rights
ECRE	European Council on Refugees and Exiles
ECtHR	European Court of Human Rights
ELDH	European Association of Lawyers for Democracy and World Human Rights
ERBB	Equal Rights Beyond Borders
ESTIA	Emergency Support to Integration and Accommodation
EU	European Union
EUAA	European Union Agency for Asylum (former EASO)
FRA	European Union Agency for Fundamental Rights
GCR	Greek Council for Refugees
HCG	Hellenic Coast Guard
IHR	I Have Rights
IOM	International Organization for Migration
JMD	Joint Ministerial Decision
LCL	Legal Centre Lesvos
LNOB	#LeaveNoOneBehind
MIT	Mobile Info Team
MSF	Médecins Sans Frontières / Doctors Without Borders
NCHR	Greek National Commission for Human Rights
NGO	Non-governmental organisation
REC	Refugee Education Coordinator
RIC	Reception and Identification Centre
RIS	Registration and Identification Service
RLS	Refugee Legal Support
RSA	Refugee Support Aegean
SCF	Stockholm Center for Freedom
SEM	State Secretariat for Migration (First instance asylum authority in Switzerland)
SV	Samos Volunteers
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

Executive Summary

This expert opinion assesses the risks and conditions faced by asylum seekers, particularly Dublin returnees, in Greece. Despite legal frameworks intended to ensure adequate reception conditions and fair asylum procedures, significant deficiencies remain, raising serious concerns about the human rights implications of returning individuals to Greece under the Dublin III Regulation.

The context of long-suspended Dublin returns to Greece: Section I introduces the Dublin system's legal framework and principles such as the rebuttable presumption of equivalent protection across all Member States (⇒ I.1). The section then provides an overview of the developments after the ECtHR's 2011 landmark ruling in *M.S.S. v. Belgium and Greece*, as well as CJEU's joint judgement in the cases *N.S. v. Secretary of State* and *M.E. v. Refugee Applications Commissioner* (⇒ I.2), including a brief examination of the ECtHR's reiteration from October 2024 in *H.T. v. Germany and Greece* that returning an applicant for international protection to Greece may amount to a breach of the prohibition of inhuman and degrading treatment under Article 3 of the ECHR (⇒ I.4).

Systemic obstacles to accessing the asylum procedure in Greece: After briefly setting out the legal framework (⇒ II.1), Section II illustrates that Dublin returnees face significant barriers to (re)accessing the asylum procedure in Greece, with no special procedural track ensuring their fair treatment. Greek authorities merely guarantee that they will inform returnees of the asylum procedure, but do not in fact ensure access thereto (⇒ II.2.a). In general, the Greek asylum procedure is characterized by long delays in registration—with wait times on the mainland exceeding 12 months—leaving applicants without documentation, housing, or health care during this period of waiting and uncertainty (⇒ II.2.b). Severe shortages of interpreters further hinder access to and speed of the asylum procedure, leading to postponed or unscheduled interviews (⇒ II.2.c). Furthermore, Dublin returnees subject to the EU-Turkey statement may be detained to facilitate their return to a designated Greek island where they will undergo the so-called fast-track border procedure, including confinement in prison-like facilities (⇒ II.3). Applicants of certain nationalities face automatic inadmissibility decisions under the 'safe third country' concept, which block their asylum claims from being assessed on the merits and order their return to Turkey (⇒ II.4.b). As a separate matter, there are no indications that Greek authorities will not continue their practice of discontinuing applications for international protection lodged by Dublin returnees based on their prior departure and the related assumption of implicit withdrawal (⇒ II.4.a).

Deplorable reception and living conditions: Section III examines the minimum standards for material reception conditions required by EU law (⇒ III.1) and their application in Greece. Accommodation facilities, whether isolated mainland camps (⇒ III.2.a) or prison-like facilities on the islands (⇒ III.2.b), are characterized by restrictions on freedom of movement, including unlawful *de facto* detention (⇒ III.3) and unacceptable living conditions. These conditions include inadequate infrastructure, poor maintenance (⇒ III.4.a), and the failure to ensure sufficient food, water (⇒ III.4.c), and sanitation (⇒ III.4.a), as well as significant staff shortages and limited access to medical care (⇒ III.4.b). Reports from NGOs and institutional bodies consistently highlight the substandard and dehumanizing reception conditions in Greek asylum facilities, with Greece having been repeatedly condemned by the ECtHR for infringing on the fundamental rights of applicants set out in the ECHR (⇒ III.4).

Routine and unlawful detention practices and inadequate conditions: In Section IV, the expert opinion first provides information on the legal framework on administrative detention in Greece (⇒ IV.1) and then examines the related practice in Greece. In summary, Dublin returnees, like other asylum seekers, face a

risk of arbitrary detention as Greek authorities routinely impose detention orders on asylum seekers regardless of the actual prospect of removal or deportation from Greece (⇒ IV.2). Further, detention facilities fail to meet basic human rights standards, with detainees being subjected to unsanitary conditions, overcrowding, a lack of medical care, and insufficient legal support (⇒ IV.3).

Continued risk of irregular deportation: Section V illustrates that Dublin returnees face a continued risk of arbitrary, summary expulsion across the Greek-Turkish land or sea border (⇒ V).

Legal and institutional barriers to justice: Section VI shows how applicants for international protection, including Dublin returnees, face various barriers to accessing justice in Greece. In particular, legal remedies against detention and human rights violations are often ineffective or unavailable, with Greek courts routinely failing to investigate documented abuses (⇒ VI).

Conclusion—Dublin returns to Greece carry high risk of human rights violations: Finally, in Section VII, the expert opinion concludes that—given the persistent structural deficiencies in Greece’s asylum system, the substandard and degrading reception conditions, and the systemic risks of detention and refoulement—returning asylum seekers to Greece under the Dublin III Regulation would expose them to conditions incompatible with Article 3 of the ECHR and Article 4 of the EU Charter (⇒ VII).

Sommaire (French Translation of the Executive Summary)

Cet avis d'expert évalue les risques et les conditions auxquels sont confrontés les demandeurs d'asile, en particulier les personnes renvoyées en Grèce, en application du règlement Dublin III. Malgré les cadres juridiques visant à garantir des conditions d'accueil adéquates et des procédures d'asile équitables, d'importantes lacunes subsistent, ce qui suscite de vives inquiétudes quant aux conséquences, en termes de droits humains, du renvoi de personnes vers la Grèce en vertu dudit règlement.

Le contexte des retours Dublin suspendus depuis longtemps en Grèce : La section I présente le cadre juridique du système Dublin et des principes tels que la présomption réfutable d'une protection équivalente dans tous les États membres (⇒ I.1). Les auteurs fournissent également une vue d'ensemble des développements après l'arrêt historique de 2011 de la Cour européenne des droits de l'homme dans l'affaire *M.S.S. c. Belgique et Grèce*, ainsi que l'arrêt conjoint de la CJUE dans les affaires *N.S. c. Secretary of State* et *M.E. c. Refugee Applications Commissioner* (⇒ I.2), et un bref examen de la réitération de la Cour européenne des droits de l'homme d'octobre 2024 dans l'affaire *H.T. c. Allemagne et Grèce*, selon laquelle le renvoi d'un demandeur de protection internationale vers la Grèce peut constituer une violation de l'interdiction des traitements inhumains et dégradants en vertu de l'article 3 de la CEDH (⇒ I.4).

Obstacles systémiques à l'accès à la procédure d'asile en Grèce : La section II, après avoir brièvement présenté le cadre juridique (⇒ II.1), démontre que les personnes renvoyées en vertu de Dublin sont confrontées à des obstacles importants pour accéder à nouveau à la procédure d'asile en Grèce, sans qu'aucune voie procédurale spéciale ne garantisse leur traitement juste et équitable. Les autorités grecques garantissent seulement d'informer les personnes renvoyées sur la procédure d'asile, sans pour autant leur garantir un accès effectif à ladite procédure (⇒ II.2.a). En général, la procédure d'asile grecque est caractérisée par de longs délais d'enregistrement des demandes - avec des temps d'attente sur le continent dépassant 12 mois - laissant les demandeurs sans documents, sans logement ou sans accès aux soins de santé pendant cette période d'attente et d'incertitude (⇒ II.2.b). La grave pénurie d'interprètes entrave en outre l'accès à la procédure d'asile et sa rapidité, ce qui mène à des entretiens reportés ou non programmés (⇒ II.2.c). De plus, les personnes renvoyées en vertu de Dublin et soumises à la déclaration UE-Turquie peuvent être détenues pour faciliter leur retour sur l'île grecque désignée, où elles seront soumises à la procédure frontalière dite accélérée, y compris dans des structures d'hébergement ressemblant à des prisons (⇒ II.3). Les demandeurs de certaines nationalités font l'objet de décisions automatiques d'irrecevabilité en vertu du concept de "pays tiers sûr", qui empêchent l'examen de leurs demandes d'asile sur le fond et ordonnent leur retour en Turquie (⇒ II.4.b). Par ailleurs, rien n'indique que les autorités grecques cesseront leur pratique visant à discontinuer les demandes de protection internationale déposées par les personnes renvoyées en vertu de Dublin, en raison de leur départ antérieur et du présumé retrait implicite de leur demande qui en découle (⇒ II.4.a).

Des conditions d'accueil et de vie déplorables : La section III examine les normes minimales relatives aux conditions matérielles d'accueil requises par la législation de l'UE (⇒ III.1), et leur application en Grèce. Les structures d'hébergement, qu'il s'agisse de camps isolés sur le continent (⇒ III.2.a) ou de centres de type carcéral sur les îles (⇒ III.2.b), sont caractérisées par des restrictions à la liberté de circulation, y compris des cas de détention illégale de facto (⇒ III.3). Les conditions de vie inacceptables dans ces structures sont inadéquates du fait, notamment, d'un mauvais entretien (⇒ III.4.a), de l'incapacité à assurer un approvisionnement suffisant en nourriture, en eau (⇒ III.4.c) et en hygiène (⇒ III.4.a), ainsi que des pénuries importantes de personnel et un accès limité aux soins médicaux (⇒ III.4.b). Les rapports des ONGs et des organismes institutionnels soulignent constamment des conditions d'accueil non conformes aux standards

minimums et déshumanisantes dans les camps grecs, la Grèce ayant été condamnée à plusieurs reprises par la Cour européenne des droits de l'homme pour avoir violé les droits fondamentaux des demandeurs protégés par la Convention européenne des droits de l'homme (⇒ III.4).

Pratiques routinières et illégales de détention et conditions inadéquates : Dans la section IV, l'avis d'expert fournit d'abord des informations sur le cadre juridique de la détention administrative en Grèce (⇒ IV.1), puis examine les pratiques effectivement mises en œuvre en la matière. En somme, les personnes renvoyées en vertu de Dublin, comme les autres demandeurs d'asile, sont confrontées à un risque de détention arbitraire car les autorités grecques imposent régulièrement des mesures de détention administrative aux demandeurs d'asile sans toutefois tenir compte des perspectives réelles d'un éloignement ou d'une expulsion de Grèce (⇒ IV.2). En outre, les centres de détention ne respectent pas les normes fondamentales en matière de droits humains, les détenus étant soumis à des conditions insalubres, à la surpopulation, au manque de soins médicaux et à l'insuffisance de l'assistance juridique (⇒ IV.3).

Risque permanent d'expulsion irrégulière : La section V, montre que les personnes renvoyées par Dublin sont confrontées à un risque permanent d'expulsion arbitraire et sommaire à travers les frontières, terrestres et maritimes, entre la Grèce et la Turquie (⇒ V).

Obstacles juridiques et institutionnels à la justice : La section VI expose les divers obstacles auxquels sont confrontés les demandeurs de protection internationale, y compris les rapatriés en vertu de Dublin, afin d'accéder à la justice en Grèce. En particulier, les recours juridiques contre la détention et les violations des droits humains sont souvent inefficaces ou inexistantes, les tribunaux grecs omettant régulièrement d'enquêter sur les abus documentés (⇒ VI).

Conclusion - Les renvois Dublin vers la Grèce comportent un risque élevé de violations des droits humains : La section VII conclut que, compte tenu des déficiences structurelles persistantes du système d'asile grec, des conditions d'accueil inférieures aux normes et dégradantes, et des risques systématiques de détention et de refoulement, le renvoi des demandeurs d'asile vers la Grèce en vertu du règlement Dublin III les exposerait à des conditions incompatibles avec l'article 3 de la Convention européenne des droits de l'homme (CEDH) et l'article 4 de la Charte des droits fondamentaux de l'Union européenne (⇒ VII).

Zusammenfassung (German Translation of the Executive Summary)

Diese Expert Opinion setzt sich mit der Situation von Personen nach einer allfälligen Dublin-Überstellung nach Griechenland auseinander – insbesondere mit den Aufnahmebedingungen und drohenden Rechtsverletzungen. Trotz der rechtlichen Grundlagen, die angemessene Aufnahmebedingungen und faire Asylverfahren gewährleisten sollen, bestehen erhebliche Mängel und ernste Bedenken hinsichtlich der menschenrechtlichen Auswirkungen der Rückführung nach Griechenland im Rahmen der Dublin-III-Verordnung.

Dublin-System und vormals suspendierte Dublin-Überstellungen nach Griechenland: Abschnitt I bietet einen Überblick über den rechtlichen Rahmen des Dublin-Systems sowie dessen Grundsätze wie die widerlegbare Vermutung eines gleichwertigen Schutzes in den Mitgliedstaaten (⇒ I.1). Darüber hinaus werden die Entwicklungen nach den zwei Grundsatzurteilen von 2011 – des EGMR in *M.S.S. gegen Belgien und Griechenland* und des EuGH in der gemeinsamen Rechtssache *N.S. gegen Secretary of State und M.E. gegen Refugee Applications Commissioner* – dargestellt (⇒ I.2). Zudem wird die jüngste Rechtsprechung des EGMR kurz diskutiert, der im Oktober 2024 mit dem Urteil *H.T. gegen Deutschland und Griechenland* bekräftigt hat, dass die Dublin-Überstellung einer asylsuchenden Person nach Griechenland einen Verstoß gegen das Verbot der unmenschlichen und erniedrigenden Behandlung gemäß Artikel 3 EMRK darstellen kann (⇒ I.4).

Systembedingte Hindernisse für den Zugang zum Asylverfahren in Griechenland: Abschnitt II zeigt nach einer kurzen Darstellung der rechtlichen Grundlagen (⇒ II.1) auf, dass asylsuchende Personen nach Dublin-Überstellungen mit erheblichen Hindernissen beim (erneuten) Zugang zum Asylverfahren in Griechenland konfrontiert sind. Es gibt keine gesonderten Verfahrenswege für asylsuchende Personen nach Dublin-Überstellungen, welche ihre faire Behandlung spezifisch gewährleisten würden. Die griechischen Behörden garantieren lediglich, asylsuchende Personen nach Dublin-Überstellungen über das Asylverfahren zu informieren, sichern den Zugang zu diesem Verfahren aber nicht explizit zu (⇒ II.2.a). Generell ist das griechische Asylverfahren durch lange Verzögerungen bei der Registrierung gekennzeichnet – auf dem Festland sind Wartezeiten von mehr als 12 Monaten dokumentiert –, wobei die Antragsteller*innen in dieser Zeit in völliger Ungewissheit, ohne Papiere, Unterkunft oder medizinische Versorgung verbleiben (⇒ II.2.b). Es besteht ein gravierender Mangel an Übersetzer*innen, der sowohl den Zugang zum Asylverfahren behindert als auch dessen Durchführung verzögert, da Anhörungen verschoben werden müssen oder gar nicht erst angesetzt werden können (⇒ II.2.c). Darüber hinaus können asylsuchende Personen nach Dublin-Überstellungen, die dem EU-Türkei-Deal unterstehen, in Gewahrsam genommen werden, um ihre Rückführung auf die ihnen zugewiesene griechische Insel zu vollziehen. Auf den Inseln müssen sie sodann das beschleunigte Grenzverfahren durchlaufen und werden in gefängnisähnlichen Asyllagern untergebracht (⇒ II.3). Je nach Staatsangehörigkeit besteht die Gefahr, dass ein Antrag um internationalen Schutz unter der Annahme, die Türkei sei ein sogenannt sicherer Drittstaat, als unzulässig zurückgewiesen wird. In diesen Fällen werden die Asylanträge nicht in der Sache geprüft, sondern es wird die Rückführung in die Türkei angeordnet (⇒ II.4.b). Zudem haben die griechischen Behörden in der Vergangenheit nach Dublin-Überstellungen mit Verweis auf die vorangegangene Ausreise aus Griechenland – und eines angeblichen stillschweigenden Rückzugs des Antrags auf internationalen Schutz – Asylverfahren eingestellt. Es gibt keine Hinweise darauf, dass die griechischen Behörden diese Praxis nicht fortsetzen würden (⇒ II.4.a).

Prekäre Aufnahme- und Lebensbedingungen: Abschnitt III untersucht die vom EU-Recht geforderten materiellen Mindeststandards für Aufnahmebedingungen (⇒ III.1) und deren Umsetzung in Griechenland.

Die Unterbringung erfolgt in isolierten Lagern auf dem Festland (⇒ III.2.a) oder in gefängnisähnlichen Einrichtungen auf den Ägäis-Inseln (⇒ III.2.b). Die Unterbringung in diesen Lagern ist gekennzeichnet durch Einschränkungen der Bewegungsfreiheit, einschließlich rechtswidriger de-facto-Haft (⇒ III.3), und inakzeptable Lebensbedingungen. Dazu gehören unzureichende Infrastruktur, schlechte Instandhaltung (⇒ III.4.a) und das Fehlen einer ausreichenden Versorgung mit Lebensmitteln, Wasser (⇒ III.4.c) und Hygiene (⇒ III.4.a) sowie durch erheblichen Personalmangel und eingeschränkten Zugang zu medizinischer Versorgung (⇒ III.4.b). In Berichten von Nichtregierungsorganisationen und internationalen Institutionen wird immer wieder auf die unzureichenden und menschenunwürdigen Aufnahmebedingungen in griechischen Asylunterkünften hingewiesen, wobei Griechenland wiederholt vom EGMR wegen Verletzung der in der EMRK verankerten Grundrechte der Antragsteller verurteilt wurde (⇒ III.4).

Routinemäßige und rechtswidrige Inhaftierungspraktiken und unzureichende Bedingungen: In Abschnitt IV legt die Expert Opinion zunächst den rechtlichen Rahmen für die Administrativhaft in Griechenland dar (⇒ IV.1) und untersucht dann die entsprechende Praxis in Griechenland. Zusammenfassend lässt sich sagen, dass asylsuchende Personen nach Dublin-Überstellungen wie andere Asylsuchende dem Risiko einer willkürlichen Inhaftierung ausgesetzt sind, da die griechischen Behörden routinemäßig eine Inhaftierung von Asylsuchenden anordnen, unabhängig davon, ob eine Abschiebung oder Ausschaffung in absehbarer Zeit tatsächlich durchgeführt werden kann oder nicht (⇒ IV.2). Darüber hinaus entsprechen die Hafteinrichtungen nicht den grundlegenden Menschenrechtsstandards, da die Inhaftierten unhygienischen Bedingungen, Überbelegung, fehlender medizinischer Versorgung und unzureichender rechtlicher Unterstützung ausgesetzt sind (⇒ IV.3).

Anhaltendes Risiko einer irregulären Abschiebung: Abschnitt V zeigt auf, dass für asylsuchende Personen nach Dublin-Überstellungen weiterhin die Gefahr einer willkürlichen, summarischen Abschiebung über die griechisch-türkischen Land- oder Seegrenzen besteht (⇒ V).

Rechtliche und institutionelle Hindernisse für die Justiz: Abschnitt VI beleuchtet, wie Menschen, die internationalen Schutz beantragen wollen, einschließlich Personen nach Dublin-Überstellungen, mit verschiedenen Hindernissen beim Zugang zur Justiz in Griechenland konfrontiert sind. Insbesondere Rechtsmittel gegen Inhaftierung und Menschenrechtsverletzungen sind oft entweder unwirksam oder gar nicht erst verfügbar, da griechische Gerichte es routinemäßig unterlassen, dokumentierte Übergriffe oder Rechtsverletzungen weiter zu untersuchen (⇒ VI).

Schlussfolgerung: Die Rückführung von asylsuchende Personen nach Dublin-Überstellungen nach Griechenland birgt ein hohes Risiko von Menschenrechtsverletzungen: In Abschnitt VII legen die Autor*innen schließlich ihre Schlussfolgerung dar, wonach die Rückführung von asylsuchenden Personen nach Griechenland im Rahmen der Dublin-III-Verordnung angesichts der anhaltenden strukturellen Mängel im griechischen Asylsystem, der prekären und entwürdigenden Aufnahmebedingungen und der systematischen Risiken von Inhaftierung und Zurückweisung mit Artikel 3 EMRK und Artikel 4 der EU-Charta unvereinbar wäre (⇒ VII).

I. Background: From M.S.S. to Today

1 Legal Framework: The Dublin Regulation

The Dublin system, presently set out in the Dublin III Regulation,¹¹ is based on the idea that only one country should be obliged to assess the merits of an application for international protection lodged by an individual within the territory of the Member States. As such, the Dublin III Regulation sets out the criteria and mechanisms for determining which Member State is responsible:¹² “Generally speaking, the first point of irregular entry will determine the Member State responsible for examining an asylum application, unless other criteria apply.”¹³ If a third country national or a stateless person, who has entered the territory of the Member States through Greece, lodges an application for international protection in another Member State, that second State may request Greece to “take charge” of the application.¹⁴ If the respective applicant formally registered as an asylum seeker in Greece prior to leaving the country, the second State may request Greece to “take back” that person for the purpose of completing the examination of the application for international protection.¹⁵ The return of an individual to Greece under this Regulation is referred to herein as a ‘Dublin return’ or ‘Dublin transfer.’

The Dublin system is further based on a presumption of equivalent protection across all Member States, which is predicated on harmonized minimum standards.¹⁶ According to well-established case law described herein, this presumption must be regarded as rebuttable. Therefore, a Dublin return is only lawful if the returning Member State has determined by thorough examination that there is no risk that the applicant would be subjected to inhuman or degrading treatment in the receiving State in violation of Article 3 of the European Convention on Human Rights (ECHR)¹⁷ or Article 4 of the Charter of Fundamental Rights of the European Union (EU Charter).¹⁸

As the most recent step in the development of the Dublin system, the European Parliament adopted the so-called ‘Common European Asylum System (CEAS) reform’¹⁹ in 2024, introducing *inter alia* the new Asylum and Migration Management Regulation (AMMR),²⁰ which modifies the criteria and mechanisms for

¹¹ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Dublin III Regulation), available [here](#).

¹² Article 1 of the Dublin III Regulation.

¹³ Victoria Oluwatobi Isa Daniel & Bríd Ní Ghráinne: ‘Revisiting *MSS v. Belgium and Greece* and Interim Measures before the European Court of Human Rights,’ in: *Refugee Survey Quarterly*, 43(2), June 2024, p. 129, available [here](#).

¹⁴ Articles 21 and 22 of the Dublin III Regulation.

¹⁵ Articles 23 and 24 of the Dublin III Regulation.

¹⁶ These standards apply to the procedure for dealing with the application determined by the ‘Procedures Directive’ (available [here](#)), reception conditions determined by the ‘Reception Conditions Directive’ (available [here](#)), and the application of the definition of the term ‘refugee’ as determined by the ‘Qualification Directive’ (available [here](#)). The Dublin III Regulation refers in several provisions to the mentioned Directives: For example, §§10-12 of the preamble, as well as Articles 2, 3, 6, and 18 of the Dublin III Regulation.

¹⁷ Article 3 of the ECHR, Prohibition of torture: No one shall be subjected to torture or to inhuman or degrading treatment or punishment, available [here](#).

¹⁸ Article 4 of the EU Charter, Prohibition of torture and inhuman or degrading treatment or punishment: No one shall be subjected to torture or to inhuman or degrading treatment or punishment, available [here](#).

¹⁹ For more information on the CEAS reform, see RSA: ‘11 Questions and Answers on the reform of the Common European Asylum System (CEAS),’ 21 October 2024, available [here](#).

²⁰ Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 (AMMR), available [here](#).

determining the Member State responsible for the examination of an application for international protection currently applied under the Dublin III Regulation.²¹ This CEAS reform needs to be implemented within two years²²—meaning that the AMMR’s “entry into application will be 24 months after the entry into force.”²³ As the AMMR is not yet applicable—and the determination criteria and their hierarchy are of no relevance for the questions addressed by this expert opinion—it will not be further examined herein. However, it is notable that under the new AMMR, returns remain lawful only if there is no risk of a violation of Article 3 of the ECHR or Article 4 of the EU Charter in the receiving state.²⁴ As detailed in this expert opinion, such a risk cannot be effectively excluded in the case of Dublin returns to Greece.

2 The Pipe Dream of Equivalent Protection: ECtHR and CJEU’s Key Decisions

In its 2011 landmark judgment in *M.S.S. v. Belgium and Greece*,²⁵ the European Court of Human Rights (ECtHR) established the obligation of Member States to ensure compliance with the ECHR before returning an asylum seeker to the Member State assumed responsible for the examination of their application for international protection under the Dublin system. Specifically, when applying the Dublin Regulation, “States must make sure that the intermediary country’s asylum procedure affords sufficient guarantees to avoid an asylum seeker being removed, directly or indirectly, to his country of origin without any evaluation of the risks he faces from the standpoint of Article 3 of the Convention.”²⁶ Due to the large deficiencies in the Greek asylum determination system and the abhorrent conditions for asylum seekers in Greece, the ECtHR found that Belgium had violated the applicant’s right under Article 3 of the ECHR by transferring them to Greece without ensuring they would not be exposed to inhuman or degrading treatment.²⁷

That same year, in the decision of the joined cases *N.S. v. Secretary of State and M.E. v. Refugee Applications Commissioner*, the Court of Justice of the European Union (CJEU) reiterated the systemic deficiencies in the Greek asylum system and confirmed that the presumption of equivalent protection must be regarded as rebuttable.²⁸ In accordance with the ECtHR’s *M.S.S.* ruling, the CJEU held that Dublin returns to Greece would amount to a violation of the applicants’ fundamental rights. The CJEU emphasised that—in principle—it must be assumed that the treatment of asylum seekers in all Member States complies with the requirements of EU law, the EU Charter, the Geneva Refugee Convention, and the ECHR. At the same time, the CJEU also highlighted that the asylum system in a Member State “may, in practice, experience major operational problems,” which lead to a substantial risk that applicants for international protection will “be treated in a manner incompatible with their fundamental rights.”²⁹ The CJEU determined that if a Member State “cannot be unaware that systemic deficiencies in the asylum procedure and in the reception conditions” in the receiving State “amount to substantial grounds for believing that the asylum seeker would

²¹ For further information on the new ‘Asylum and Migration Management Regulation,’ see ECRE’s related Comments Paper: ‘Regulation on Asylum and Migration Management,’ 10 May 2024, available [here](#).

²² There is a two-year period before the entry into application for all instruments reformed under the new CEAS, except for the EU Resettlement Framework which applies immediately. See official website of the EUAA: ‘2.1. Reforming the Common European Asylum System,’ last accessed 20 February 2025, available [here](#).

²³ Council of the EU & the European Council’s official website on the ‘new asylum and migration management regulation,’ available [here](#).

²⁴ Article 16(3) of the AMMR, which explicitly refers to Article 4 UN Charter, the ‘parallel guarantee’ to Article 3 ECHR.

²⁵ ECtHR, *M.S.S. v. Belgium and Greece* [GC], no. 30696/09, ECHR 2011.

²⁶ *Ibid.*, §342.

²⁷ *Ibid.*, §§359-360, 367-368.

²⁸ CJEU (Grand Chamber), *N. S. (C-411/10) v. Secretary of State for the Home Department and M. E. and Others (C-493/10) v. Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform*, §104, 21 December 2011.

²⁹ *Ibid.*, §81.

face a real risk of being subjected to inhuman or degrading treatment,” Article 4 of the EU Charter does not allow the transfer to said receiving State.³⁰

3 Developments Since These Rulings

These rulings led to the suspension of all Dublin transfers to Greece in 2011—the same year the rulings were issued.³¹ Then, in 2013, the amended Dublin III Regulation included Article 3(2), which states that where there are “substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment,” the determining State shall either “establish whether another Member State can be designated as responsible” or proceed with the examination itself.³²

In December 2016, after the adoption of the EU-Turkey statement,³³ the European Commission issued the widely criticized³⁴ Recommendation 2016/2256³⁵ to resume Dublin returns to Greece—even though reception conditions had not been improved—under the condition that the Greek National Dublin Unit needed to provide ‘individual assurances’³⁶ in relation to the treatment of returnees, including guaranteed access to the asylum procedure.³⁷

Following the Commission’s Recommendation of December 2016, some countries resumed Dublin transfers to Greece—however, only to a limited degree, as the Greek National Dublin Unit rejected most requests,³⁸ and domestic courts in various Member States ruled against the legality of returning asylum seekers.³⁹ According to Eurostat, a total of only 81 Dublin transfers took place between 2016 and 2023.⁴⁰

³⁰ CJEU (Grand Chamber), *N. S. (C-411/10) v. Secretary of State for the Home Department and M. E. and Others (C-493/10) v. Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform*, §106, 21 December 2011.

³¹ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 98-99, available [here](#); ECtHR, *H.T. v. Germany and Greece*, no. 13337/19, §142, 15 October 2024.

³² The relevant Article 16(3) of the new AMMR, that will be applicable as of summer 2026, no longer refers to “systemic flaws,” and instead explicitly refers to Article 4 of the EU Charter: “...substantial grounds for believing that the applicant, because of the transfer to that Member State, would face a real risk of violation of the applicant’s fundamental rights that amounts to inhuman or degrading treatment within the meaning of Article 4 of the Charter....”

³³ European Council: ‘EU-Turkey statement,’ Press release, 18 March 2016, available [here](#).

³⁴ For example, Boryana Gotsova: ‘Rules Over Rights? Legal Aspects of the European Commission Recommendation for Resumption of Dublin Transfers of Asylum Seekers to Greece,’ in: *German Law Journal*, 20(5), July 2019, pp. 637–659, available [here](#). Following the European Commission’s Recommendation, the Greek National Commission for Human Rights (NCHR) issued a statement expressing its grave concern and underlining that “all refugee reception and protection mechanisms in Greece are undergoing tremendous pressure.” NCHR: Statement in response to the recommendation of the European Commission to reactivate the refugee return mechanism under the Dublin system, 19 December 2016, available [here](#).

³⁵ Commission Recommendation (EU) 2016/2256 of 8 December 2016 addressed to the Member States on the resumption of transfers to Greece under Regulation (EU) No 604/2013 of the European Parliament and of the Council, available [here](#).

³⁶ More specifically, Member States were advised to ensure that: (i) the Greek authorities will receive the applicant in a reception facility that meets the standards set out in EU law, in particular in the Reception Conditions Directive 2013/33/EU; (ii) that their application will be examined within the deadlines specified in the Asylum Procedures Directive 2013/32/EU; and (iii) they will be treated in line with EU legislation in every other relevant respect. Commission Recommendation (EU) 2016/2256, §§9-10.

³⁷ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 98, available [here](#).

³⁸ AIDA: ‘The implementation of the Dublin III Regulation in 2019 and during COVID-19,’ August 2020, p. 25, available [here](#); AIDA: ‘The implementation of the Dublin III Regulation in 2021,’ September 2022, p. 19, available [here](#).

³⁹ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 99, available [here](#).

⁴⁰ 10 (2016), 1 (2017), 18 (2018), 33 (2019), 11 (2020), 2 (2021), 0 (2022), and 6 (2023). Eurostat: ‘Incoming ‘Dublin’ transfers by submitting country, legal provision, duration of transfer, sex and type of applicant,’ last accessed 20 February 2025 when last updated 11 June 2024, available [here](#).

4 H.T. v. Germany and Greece

In *H.T. v. Germany and Greece*,⁴¹ the ECtHR examined the case of a Syrian citizen who was immediately returned from Germany to Greece in September 2018 based on a bilateral arrangement to facilitate Dublin returns to Greece (the so-called Seehofer-Deal⁴²). In this decision of October 2024, the ECtHR found Greece in violation of Article 3 of the ECHR related to the poor detention conditions to which the applicant was subjected after his return from Germany, and Article 5(4) of the ECHR for failing to provide a remedy to object to his detention. Particularly relevant for this expert opinion are the ECtHR's findings with regards to Germany: The Court identified that Germany, by removing the applicant to Greece without ensuring sufficient safeguards despite its knowledge of the "general shortcomings in the Greek asylum system,"⁴³ had violated the procedural limb of Article 3 of the ECHR.⁴⁴ Relatedly, the ECtHR recalled that:

In all cases of removal of an asylum-seeker from a Contracting State to a third intermediary country without examination of the asylum requests on the merits, regardless of whether the receiving third country is an EU member State or not or whether it is a State Party to the Convention or not, it is the duty of the removing State to examine thoroughly the question whether or not there is a real risk of the asylum-seeker being denied access, in the receiving third country, to an adequate asylum procedure, protecting [them] against refoulement...If it is established that the existing guarantees in this regard are insufficient, Article 3 implies a duty that the asylum-seekers should not be removed to the third country concerned.⁴⁵

In summary, "the ECtHR precludes transfers as long as there is no basis for a general presumption, or no [sufficient] assurances, that the Convention will be respected in the case of the individual concerned."⁴⁶

Key Findings

- ⇒ **The presumption of equivalent protection is rebuttable:** Generally, the Dublin system assumes all Member States provide equal protection for asylum seekers. However, in 2011, ECtHR and CJEU case law established that this presumption is rebuttable if systemic deficiencies in a Member State's asylum system create a risk of inhuman or degrading treatment. This is now reflected in Article 3(2) of the Dublin III Regulation.
- ⇒ **Landmark rulings have halted Dublin returns to Greece on account of deficiencies in the Greek asylum system:** In 2011, the ECtHR ruling in *M.S.S. v. Belgium and Greece* and the CJEU decision in the joint cases *N.S. v. Secretary of State* and *M.E. v. Refugee Applications Commissioner* highlighted severe deficiencies in Greece's asylum system and found that returning asylum seekers to Greece may violate the ECHR and the EU Charter. As a result, Dublin transfers to Greece were temporarily suspended.
- ⇒ ***H.T. v. Germany and Greece* reinforces removal safeguards:** The ECtHR's 2024 decision in *H.T. v. Germany and Greece* found that both countries violated the applicant's rights under the ECHR. In particular, the ruling reinforced that a transferring state must ensure the receiving country offers adequate asylum procedures and protection against refoulement before executing a return.

⁴¹ ECtHR, *H.T. v. Germany and Greece*, no. 13337/19, 15 October 2024.

⁴² Prof. Dr. Anna Lübke: 'Compatibility of the refoulement practice under the German-Greek "Seehofer Agreement" with Union-law requirements for effective legal remedies,' expert opinion commissioned by PRO ASYL, December 2018, available [here](#).

⁴³ ECtHR, *H.T. v. Germany and Greece*, no. 13337/19, §144, 15 October 2024.

⁴⁴ *Ibid.*, §§141-151.

⁴⁵ *Ibid.*, §138, italic highlight added.

⁴⁶ Prof. Dr. Johan Callewaert: 'General presumption of compliance vs. systemic flaws – Judgment of the ECtHR in the case of *H.T. v. Germany and Greece*,' Blog Post on [johan-callewaert.eu](#), 12 January 2025, available [here](#).

⇒ **Member States legally obliged to assess risks before implementing a Dublin return:** Despite receiving ‘individual assurances from the receiving State,’ Member States must still ensure, based on a thorough examination, that an applicant for international protection will not face a risk of inhuman or degrading treatment in the receiving State. If the Member State assessing the possible return of an applicant identifies such a risk, this Member State is obliged to refrain from transferring the applicant to the respective country.

II. Access to the Asylum Procedure After a Dublin Return to Greece

1 Legal Framework: Procedures Directive⁴⁷

The Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 (hereafter ‘Procedures Directive’) sets up common standards for procedures in Member States for granting and withdrawing international protection,⁴⁸ with the aim of ensuring fast, efficient, and fair procedures for applicants.⁴⁹ According to the Directive, Member States shall ensure the conclusion of the examination procedure within six months of the lodging of the application “without prejudice to an adequate and complete examination.”⁵⁰ For the applications of Dublin returnees, this six-month period starts when the responsible State is determined, and “the applicant is on the territory of that Member State, and has been taken in charge by the competent authority.”⁵¹ While these six months may be extended in exceptional circumstances, in any case the examination shall be concluded within 21 months of the lodging of the application.⁵² If a decision cannot be taken within six months, the applicant is to be informed of the delay and the reasons therefor.⁵³

The Procedures Directive also provides due process guarantees, such as individual, objective, and impartial examinations of applications.⁵⁴ Furthermore, applicants shall be informed, in a language they can understand, of the procedure to be followed, their rights, and the decision made.⁵⁵ They must be given an interpreter to help them make their case if necessary.⁵⁶ At any point, applicants have the right to consult a legal adviser or other counsellor, at their own cost.⁵⁷ Lastly, the Procedures Directive reiterates that Member States shall not hold a person in detention for the sole reason that they are an international protection applicant.⁵⁸

⁴⁷ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Procedures Directive), available [here](#).

⁴⁸ As part of the CEAS reform, the Procedures Directive was transformed into an EU-Regulation: Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (Procedures Regulation), available [here](#). For further information on the new ‘Procedures Regulation,’ see ECRE’s related Comments Paper: ‘ECRE Comments on the Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU,’ October 2024, available [here](#).

⁴⁹ EU Monitor on the Directive 2013/32, last accessed 20 February 2025 when last updated 25 May 2020, available [here](#).

⁵⁰ Article 31(2) and (3) of the Procedures Directive.

⁵¹ Article 31(3) of the Procedures Directive.

⁵² Article 31(5) of the Procedures Directive.

⁵³ Article 31(6) of the Procedures Directive.

⁵⁴ Article 130(3a) of the Procedures Directive.

⁵⁵ Article 12(1a, f) of the Procedures Directive.

⁵⁶ Article 12(1a, b, f) of the Procedures Directive.

⁵⁷ Article 22 and 23 of the Procedures Directive.

⁵⁸ Article 26 of the Procedures Directive, further referring to the Reception Conditions Directive.

2 Dysfunctional Access to the Asylum Procedure

2.a No Special Procedural Track for Dublin Returnees

Upon returning to Greece, Dublin returnees must face the same dysfunctional asylum system as all other international protection applicants. In the SEM decisions examined by the authors,⁵⁹ the Greek National Dublin Unit—along with their acceptance of the ‘take back request’ under the framework of the Dublin III Regulation—provided the Swiss asylum authority with ‘individual assurances’: “Regarding access to the asylum procedure,” these ‘assurances’ solely guarantee that “the person in question will be *notified* upon arrival by the competent airport police authorities, with the assistance of an interpreter, about the process in accordance to the Asylum Procedure Directive (2013/32/EU).”⁶⁰ In relation to these ‘assurances,’ the SEM decisions seem to assume a special procedural track for Dublin returnees, i.e. one where they are provided priority or at least guaranteed access to an asylum procedure that respects the applicants’ fundamental rights. In practice, Greek authorities do not provide Dublin returnees with any tailored procedure or such guaranteed access upon their return to Greece.

First, the Greek National Dublin Unit simply guarantees that the applicant would be *informed* of the asylum procedure, but does not confirm their *access* to said procedure. Second, this assurance reinforces that Dublin returnees are subject to the same procedural pathway as any other international protection applicant in Greece, and that there is no privileged ‘Dublin track’ for returnees in place to facilitate access. This was explicitly affirmed by the Greek Asylum Service in April 2024: As part of the ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation,’ the European Union Agency for Asylum (EUAA) requested that Greece provide information on procedural elements and rights of applicants subject to a Dublin transfer to Greece. In response, the Greek authorities stated that the competent authorities *inform* “the applicant about the regional asylum office with substantive and territorial competence for the examination of the international protection application.”⁶¹ The respective third country national should then “reach the competent Regional Asylum Office, submitting any document(s) available” to them.⁶² In answering how long the procedural steps “to gain access to the asylum procedure following a Dublin transfer” to Greece usually take, the Greek Asylum Service reported to the EUAA that this “depends on the specific circumstances of each case.” In the same answer, the Asylum Service referred to Article 88(7) of the Greek Asylum Code,⁶³ which supposedly gives priority to the registration of international protection applications linked to the Dublin III Regulation.⁶⁴ However, based on the language of Article 88(7), the law

⁵⁹ The decisions examined by the authors were provided through DJS by the applicants themselves who chose to share their decisions for the purpose of this expert opinion. The related documents are not public, and the authors will not refer to any personal or otherwise specifiable information therefrom.

⁶⁰ The authors were provided with a copy of an acceptance letter of the ‘take back request’ provided to the Swiss asylum authorities by the Greek National Dublin Unit that includes ‘individual assurances.’ For the content of these ‘individual assurances,’ see footnote 3. However, the related document is not public.

⁶¹ European Commission, EUAA & Greek Asylum Service: ‘Information on procedural elements and rights of applicants subject to a Dublin transfer to Greece,’ 25 April 2024, p. 6, available [here](#).

⁶² *Ibid.*

⁶³ Article 88(7) of the Law No. 4939/2022 (Greek Asylum Code) reads as follows: “The competent Receiving Authorities shall register and examine as a matter of absolute priority applications for international protection, in accordance with paragraph c’ of Article 46 and para. 8 of Article 50 of this Code. In such cases, in view of urgency, the examination of the application must be completed within fifteen (15) days. The competent Receiving Authorities shall register and examine applications for international protection as a matter of priority, without prejudice to more specific provisions of this Code when they concern: a) ..., b) persons who may be subject to the procedures of Regulation (EU) 604/2013 of the European Parliament and of the Council or where another Member State of the European Union has granted the applicant international protection status or another State bound by Regulation (EU) 604/2013 of the European Parliament and of the Council, pursuant to that Regulation, has assumed responsibility for examining the relevant application, c) ...”

⁶⁴ European Commission, EUAA & Greek Asylum Service: ‘Information on procedural elements and rights of applicants subject to a Dublin transfer to Greece,’ 25 April 2024, p. 6, available [here](#).

arguably prioritizes applicants who may be transferred from Greece to another Member State pursuant to the Dublin III Regulation, rather than those being returned to Greece under the Dublin system.

In practice, Dublin returnees must present themselves to the competent Regional Asylum Office—without guarantee that an application can be filed, that a previously closed case (\Rightarrow 4.a) can be timely reopened, or that the applicant will have access to adequate reception conditions (\Rightarrow III). This is illustrated by a case documented by Refugee Support Aegean (RSA) in October 2021:

Yasser [name changed] was returned from Germany to Greece in 2019. On the days following his return, he persistently appeared every day before the responsible Asylum Office in order to activate his asylum procedure. After 6 days he received an invitation for a personal interview that was scheduled for one and a half year later. He received no new asylum seeker's card or other identification document and was instead referred to the police station to submit a declaration that he had lost his old card – a precondition to receive his card 2 months later. In the end it was only 8 months later that he received his card. Without an asylum seeker's card, Yasser was deprived of access to social and financial assistance, to a Social Security Number, health care, medication and accommodation.⁶⁵

According to the Asylum Information Database (AIDA), Dublin returnees to Greece “face serious difficulties...in re-accessing the asylum procedure.”⁶⁶ Parallel experience with the readmission of international protection beneficiaries reported by RSA and PRO ASYL shows that individuals returned to Greece from other European countries, in practice, receive hardly any information or assistance upon their arrival at the Athens airport.⁶⁷ Moreover, due to the Greek authorities' failure to provide sufficient interpretation services (\Rightarrow 2.c), including at the airport, the Greek National Dublin Unit fails to credibly guarantee that the necessary resources are actually available to receive and inform Dublin returnees in a language they understand.

2.b Long Delays in the Registration System on the Greek Mainland

Dublin returnees generally arrive in Greece through the Athens airport, located on the Greek mainland. While some Dublin returnees are transferred to ‘hotspot islands’ (\Rightarrow 3), some returnees remain on the mainland. In response to a question presented by EUAA under the ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation,’ the Greek Asylum Service stated that the “procedural steps depend on the stage at which the international protection procedure before Greece was interrupted.”⁶⁸ In other words, if an applicant had registered as an asylum seeker in Greece prior to leaving the country (cause for a ‘take back request’⁶⁹), the application procedure is meant to be picked up where it was left off upon their return to Greece. If Dublin returnees did not formally apply for asylum in Greece

⁶⁵ RSA: ‘Dublin returns to Greece – Dublin returnees without effective access to asylum procedures and accommodation in Greece, now under risk of readmission to Turkey,’ 21 October 2021, available [here](#).

⁶⁶ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 99, available [here](#).

⁶⁷ RSA & PRO ASYL: ‘Beneficiaries of international protection in Greece – Access to documents and socio-economic rights,’ March 2024, pp. 4-5, available [here](#).

⁶⁸ European Commission, EUAA & Greek Asylum Service: ‘Information on procedural elements and rights of applicants subject to a Dublin transfer to Greece,’ 25 April 2024, p. 6. available [here](#).

⁶⁹ The notion ‘take back request’ refers to the formal procedure in which a Dublin Member State notifies another Member State—in the context of this expert opinion Greece—to “take back” an applicant for international protection for the purpose of completing the examination of their application. A ‘take back request’ is communicated if a Member State, while determining which Member State is responsible for the examination of an asylum application, becomes aware that an applicant already has made an application for international protection in, for example, Greece (\Rightarrow I.1). Definition according to the European Commission, last accessed 20 February 2025, available [here](#).

before moving on (cause for a ‘take charge request’⁷⁰), they would have to lodge a new application upon returning to Greece.

Before July 2022, applicants on the Greek mainland had to book an appointment for in-person registration through Skype. This procedure was highly inefficient as applicants had to repeatedly attempt to book for several months before successfully booking an appointment.⁷¹ Further, the application procedure was generally characterized by extended wait times: In their 2018 update on Greece, for example, AIDA reported on “several cases of Turkish asylum seekers in Athens, whose interview has been scheduled between 2022 and 2025.”⁷² As of 13 July 2022, applicants still need to book an appointment through an online platform to then lodge their application in person at one of the three Reception and Identification Centres (RICs):⁷³ Diavata (Thessaloniki), Malakasa (Attica), or Fylakio (Evros).⁷⁴ There they “may be subject to de facto detention for a period up to 25 days, contrary to the requirements of Art. 8 of the Reception Conditions Directive,”⁷⁵ which prohibits detaining international protection applicants solely due to their status.⁷⁶

As of this writing, individuals who want to lodge an application for international protection in Greece still face significant delays. In November 2023, Refugee Legal Support (RLS) and Mobile Info Team (MIT) published a report on ‘Dysfunctional Practices and Restrictions on the Right to Asylum.’ According to this report on the implementation of reception and identification procedures on mainland Greece, 50% of respondents waited two months or more for their registration appointment, and 11% waited for more than five months.⁷⁷ In its most recent country update on Greece, AIDA reported waiting periods of over 12 months after the submission of the initial pre-registration⁷⁸—if appointments were available at all.⁷⁹ During these waiting periods, individuals who want to register as asylum seekers are left without any official documentation “and remain unsupported by appropriate structures to provide for their essential needs.”⁸⁰

2.c Lack of Interpretation Services Causing Extended Delays

A further systemic obstacle to fair and efficient access to the Greek asylum procedure is the lack of sufficient interpretation services. Both on the mainland and on the islands, due to the Greek State’s failure to provide interpretation, asylum seekers are currently facing significant delays in accessing the procedure, often waiting for months for their registration appointments and asylum interviews to be scheduled. On 15 May 2024, METAdrasi—previously the only contractor providing interpretation services for the Greek

⁷⁰ The notion ‘take charge request’ refers to the formal procedure in which a Dublin Member State requests another Member State—in the context of this expert opinion Greece—to “take charge” of an applicant for international protection to examine said application based on the criteria set out in the Dublin III Regulation, *inter alia*, the first country of entry into the Member States’ territory (⇒ I.1). Definition according to the European Commission, last accessed 20 February 2025, available [here](#).

⁷¹ MIT: Lives on Hold – Access to asylum on mainland Greece, Crete and Rhodes,’ November 2021, p. 13, available [here](#).

⁷² AIDA: ‘Country Report on Greece – Update 2018,’ March 2019, p. 43, available [here](#).

⁷³ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 (Reception Conditions Directive), available [here](#); (⇒ III.1).

⁷⁴ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 3, available [here](#).

⁷⁵ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 23, 68, available [here](#).

⁷⁶ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 (Reception Conditions Directive), available [here](#); (⇒ III.1).

⁷⁷ RLS & MIT: ‘Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum,’ November 2023, p. 7, available [here](#).

⁷⁸ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 70, available [here](#).

⁷⁹ Access to the online platform is not always possible. For example, between May and August 2023, the platform stopped operating, thus making access to the procedure impossible in practice. AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 23, available [here](#).

⁸⁰ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 68, available [here](#).

Ministry of Migration and Asylum—suspended its activities due to the expiration of its contract and prolonged delays in government payments. For the same reasons, METAdrasi had already ceased interpretation for the Greek Asylum Service on 29 April 2024. This has resulted in a significant interruption in language support for asylum seekers.⁸¹ According to official government data from June 2024 released as part of parliamentary scrutiny,⁸² only 69 interpreters were available across all camps, which corresponds to one interpreter for every 267 asylum seekers, and 20 out of 32 camps had no interpreter at all:⁸³

As underlined by RSA in a recent report, the problem within the Asylum Service, its Regional Asylum Offices and Asylum Units, has become extremely severe. Asylum registrations and interviews are now postponed or rescheduled due to the absence of interpreters. In some cases, depending on the office involved, asylum seekers are not even informed promptly about these delays. In other instances, appointments are left un-scheduled, leaving individuals uncertain of when their registration or interview will take place.⁸⁴

Therefore, as stated above, there is no sufficient guarantee that Dublin returnees would have access to interpretation services to actually receive and understand the information provided upon their return, much less access the asylum procedure in a language they can understand. Furthermore, based on prolonged waiting periods due to a general lack of interpretation services, Dublin returnees—if able to access the asylum procedure in Greece—are at risk of facing extended delay in the examination of their cases.

3 Dublin Returnees Subject to the EU-Turkey Statement

Since the implementation of the EU-Turkey statement on 20 March 2016,⁸⁵ applicants for international protection who cross from Turkey to an Eastern Aegean island are subjected to the so-called fast-track border procedure, which includes heavy restrictions on applicants' freedom of movement (⇒ III.3) and "extremely short deadlines."⁸⁶ First, applicants are systematically subjected to a so-called geographical restriction that forbids them to leave the respective island; second, upon arrival and until their registration by the Registration and Identification Service (RIS), applicants are forced to stay inside the Closed Controlled Access Centre (CCAC)⁸⁷—again, in contradiction with Article 8 of the Reception Conditions Directive (⇒ III.1).⁸⁸

According to a 2016 police circular,⁸⁹ Dublin returnees to Greece, who upon their initial arrival to a Greek island were subject to the EU-Turkey statement, will be detained and returned to the islands, where they will be subjected to the registration procedure in a CCAC, and where the application for international protection will be examined under the fast-track border procedure.⁹⁰ A legal note published by RSA and PRO

⁸¹ RSA: 'Major deficiencies in the provision of interpretation services in Greece,' 5 November 2024, available [here](#).

⁸² Documentation related to respective parliamentary scrutiny is available [here](#).

⁸³ RSA: 'Persisting severe reception deficiencies in understaffed camps,' 5 September 2024, available [here](#).

⁸⁴ RSA: 'Major deficiencies in the provision of interpretation services in Greece,' 5 November 2024, available [here](#).

⁸⁵ European Council: 'EU-Turkey statement,' Press release, 18 March 2016, available [here](#). For further information on the agreement, see ECRE: 'EU leaders agree on EU-Turkey Deal despite serious concerns over its consequences for human rights of refugees and migrants,' 25 March 2016, available [here](#); ECRE: 'Asylum in Greece: A Situation Beyond Judicial Control?,' Legal Note #09, 2021, pp. 5-7, available [here](#).

⁸⁶ RSA & PRO ASYL: 'What is happening today in the refugee structures on the Aegean islands,' May 2023, p. 13, available [here](#).

⁸⁷ AIDA: 'Country Report on Greece – Update 2023,' June 2024, pp. 33, 184-188; for a detailed explanation of the 'fast-track border procedure,' see pp. 111-123, available [here](#).

⁸⁸ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 (Reception Conditions Directive), available [here](#); (⇒ III.1). Article 8 of the Reception Conditions Directive stipulates that Member States shall not hold a person in detention for the sole reason that they are an applicant for international protection.

⁸⁹ Police Circular No 1604/16/1195968, 18 June 2016, available [here](#).

⁹⁰ AIDA: 'Country Report on Greece – Update 2023,' June 2024, pp. 99-100, available [here](#).

ASYL,⁹¹ as well as ECtHR case law,⁹² confirms that this police circular was still applied in cases of Dublin returns in 2018 and 2019. Moreover, the Greek Asylum Service informed EUAA in 2024 that the procedural steps required after a Dublin return to Greece “depend on the stage at which the international protection procedure” previously “was interrupted,”⁹³ and both the EU-Turkey statement and the police circular are still in place as of this writing.

In summary, Dublin returnees who are subject to the EU-Turkey statement are at risk of being detained upon their return to Greece to facilitate their return to an island. In combination with the potential difficulties in (re)accessing the asylum procedure described above, this forced return to an island could lead to prolonged periods of *de facto* detention (⇒ III.3) or otherwise inadequate living conditions (⇒ III.4). Insufficient access to, *inter alia*, health care (⇒ III.4.b), legal aid (⇒ III.4.d), and interpretation services (⇒ 2.c) create additional obstacles for all Dublin returnees, leaving them vulnerable to procedural errors and rights violations.

4 Risk of Discontinuation of Asylum Application and Onward Refoulement to Turkey

4.a Risk of Discontinuation of Asylum Application

Under the Dublin II Regulation—which was replaced in 2013 (⇒ I.3)—the Greek Asylum Service interrupted, i.e. discontinued, the examination of an asylum claim if an applicant had abandoned their place of residence,⁹⁴ as asylum seekers were—and still are—obliged under Greek Law to remain in Greece until their application has been processed.⁹⁵ In 2024, the Greek Asylum Services confirmed to EUAA that previously lodged asylum applications of Dublin returnees are still being discontinued.⁹⁶

In this context, a risk specific to Dublin returnees is the discontinuation of their application procedure when Greek authorities assume an implicit withdrawal of the application for international protection based on the fact that Dublin returnees previously left Greece without permission from the Greek asylum authorities. This established practice is illustrated by a case documented by RSA of a Syrian asylum seeker who was returned from Germany to Greece in 2019. Two years after his return to Greece, the Greek asylum authorities discontinued Yasser’s [name changed] case on account of his previous departure:

In 2021, as Yasser was still waiting for his asylum interview, the Asylum Service decided to discontinue the examination of his application, invoking provisions on implicit withdrawal of the asylum claim on account of his departure from Greece in 2019. In doing so, the Greek authorities failed to observe their own guarantees that Yasser would be provided with access to the asylum procedure and infringed Article 18(2) of the Dublin Regulation, according to which asylum seekers taken back shall be allowed to continue the examination of their asylum application following a Dublin transfer.⁹⁷

⁹¹ RSA & PRO ASYL: ‘Legal Note on the Legal Status and Living Conditions of a Syrian Asylum-Seeker upon his Return to Greece under the Dublin Regulation,’ July 2019, p. 23, available [here](#).

⁹² ECtHR, *H.T. v. Germany and Greece*, no. 13337/19, §§25-26, 15 October 2024.

⁹³ European Commission, EUAA & Greek Asylum Service: ‘Information on procedural elements and rights of applicants subject to a Dublin transfer to Greece,’ 25 April 2024, p. 6. available [here](#).

⁹⁴ Panayiotis N. Papadimitriou & Ioannis F. Papageorgiou: ‘The New ‘Dubliners’: Implementation of European Council Regulation 343/2003 (Dublin-II) by the Greek Authorities,’ *Journal of Refugee Studies*, 18(3), September 2005, pp. 299–318, available [here](#).

⁹⁵ Article 86 of the Law No. 4939/2022 on the reception, international protection of third country nationals and stateless persons, and temporary protection in the event of a mass influx of displaced foreigners (Greek Asylum Code).

⁹⁶ European Commission, EUAA & Greek Asylum Service: ‘Information on procedural elements and rights of applicants subject to a Dublin transfer to Greece,’ 25 April 2024, p. 6. available [here](#).

⁹⁷ RSA: ‘Dublin returns to Greece – Dublin returnees without effective access to asylum procedures and accommodation in Greece, now under risk of readmission to Turkey,’ 21 October 2021, available [here](#); *H.T. v. Germany and Greece*, no. 13337/19, §23, 15 October 2024.

There are no indications that Greek authorities will end this practice, decreasing the likelihood of returnees having their cases examined on the merits.

4.b Risk of Onward Refoulement to Turkey

Dublin returnees also “face the risk of being subjected to onward refoulement to Türkiye.”⁹⁸ On one hand, there is a continued risk of being subjected to border violence and irregular deportation (⇒ V). On the other hand, third country nationals might be exposed to an inadmissibility decision that, based on the ‘safe third country concept,’ orders them to return to Turkey.⁹⁹

The so-called ‘safe third country concept,’ as set out in Article 38 of the Procedures Directive, “allows EU Member States to order asylum applicants to return to certain countries where the applicant would be ‘safe’.”¹⁰⁰ As a result, the ‘safe third country’ concept provides for asylum claims to be deemed inadmissible without an examination of the merits of the case. According to Joint Ministerial Decision 42799/2021 issued on 7 June 2021,¹⁰¹ Greek asylum authorities may consider Turkey as ‘safe’ for citizens of Syria, Afghanistan, Pakistan, Bangladesh, and Somalia.¹⁰² In the information provided to EUAA related to the ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation,’ the Greek authorities reiterated that applications for international protection of Dublin returnees would “be considered as inadmissible” if “Turkey is found being a safe third country,” and “provided that applicants are of Syrian, Afghan, Pakistani, Bangladeshi, or Somali nationality.”¹⁰³

First, the classification of Turkey as a ‘safe third country’ is highly criticised as it was—and still is—“a political decision rather than the conclusion of an on-the-ground assessment centering the lived experience of ‘exilees’ in Turkey.”¹⁰⁴ Second, even though readmissions under the EU-Turkey Statement from Greece to Turkey have been suspended since March 2020,¹⁰⁵ Eurostat recorded several returns of Turkish citizens to Turkey during this time period.¹⁰⁶ Third, because the return of third country nationals generally is not executed in practice, applicants whose cases are rejected on inadmissibility are left in legal limbo as a result: They cannot be returned to Turkey, and their asylum applications are not processed unless and until they submit a subsequent application that is deemed admissible.¹⁰⁷ In these circumstances, Greek authorities often send individuals to pre-removal detention centres (⇒ IV.2), or force them to live in extremely precarious living conditions without access to any meaningful legal remedies (⇒ VI.1).

⁹⁸ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 99, available [here](#).

⁹⁹ Ibid.

¹⁰⁰ Medico International: “‘What safety are they talking about?’,” expert opinion, August 2023, p. 7, available [here](#).

¹⁰¹ JMD 42799/2021, the original text was published in Gov. Gazette 2425/B/7-6-2021, and modified by JMD 458568/2021, Government Gazette 5949/B/16-12-2021. For details on the amendments and reviews, see AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 16-17, 32-33, available [here](#).

¹⁰² AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 155-156, available [here](#); Medico International: “‘What safety are they talking about?’,” expert opinion, August 2023, p. 9, available [here](#).

¹⁰³ European Commission, EUAA & Greek Asylum Service: ‘Information on procedural elements and rights of applicants subject to a Dublin transfer to Greece,’ 25 April 2024, p. 7, available [here](#).

¹⁰⁴ Medico International: “‘What safety are they talking about?’,” expert opinion, August 2023, p. 4, available [here](#). See AI: ‘Turkey: No safe refuge: Asylum-seekers and refugees denied effective protection in Turkey,’ 2 June 2026, available [here](#); Orçun Ulusoy: ‘Turkey as a Safe Third Country?’, Border Criminologies Blog, 29 March 2016, available [here](#).

¹⁰⁵ Medico International: “‘What safety are they talking about?’,” expert opinion, August 2023, p. 8, available [here](#).

¹⁰⁶ According to Eurostat, from January to December 2023, 65 Turkish citizens were returned from Greece, and from January to September 2024, 55 were returned. Eurostat: ‘Third-country nationals returned following an order to leave, by type of return, citizenship, country of destination, age and sex – quarterly data,’ last accessed 2 February 2025 when last updated 7 January 2025, available [here](#).

¹⁰⁷ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 148-151, available [here](#).

Key Findings

- ⇒ **Greece does not provide a special procedural track for any Dublin Returnees:** Upon return to Greece, all Dublin returnees must navigate the same dysfunctional asylum system as other applicants for international protection. Especially on the Greek mainland, applicants for international protection—including Dublin returnees—experience long waiting periods for registration and asylum interviews. The failure of the Greek authorities to provide sufficient interpreters further hinders (re)access to the asylum procedure by extending wait times.
- ⇒ **Dublin returnees face systemic obstacles in accessing the asylum procedure upon return to Greece:** In the five cases analysed by the authors, the Greek National Dublin Unit—in their so-called ‘individual assurances’ to the requesting Member State—simply guarantees that the applicant would be *informed* of the asylum procedure, but does not confirm their (re)access to said procedure. To (re)access the procedure, returnees must present themselves to the competent Regional Asylum Office—without guarantee that an application can be filed or reopened, or that the applicant will have access to adequate reception conditions.
- ⇒ **Dublin returnees may be subjected to Greece’s fast-track border procedure and face a related risk of detention:** Dublin returnees previously subjected to the EU-Turkey statement have to undergo the registration procedure in a CCAC on Chios, Kos, Leros, Lesvos, or Samos, where the application will be examined under the fast-track border procedure. Relatedly, Dublin returnees are at risk of being detained upon their return to Greece to facilitate their return to an island.
- ⇒ **Dublin returnees face a risk of discontinuation of their asylum applications:** Greek authorities may decide to discontinue asylum applications of Dublin returnees, assuming an implicit withdrawal based on their previous departure from Greece.
- ⇒ **Dublin returnees face a risk of onward refoulement to Turkey:** In particular, for Dublin returnees of certain nationalities (Syria, Afghanistan, Pakistan, Bangladesh, and Somalia), Greek authorities may deem their asylum applications inadmissible under the stipulation that Turkey qualifies as a ‘safe third country,’ leading to an order for their return to Turkey. However, since related readmissions to Turkey have been suspended since 2020, rejected applicants are left in legal limbo unless and until a subsequent application is accepted as admissible, which allows their cases to be examined on the merits.

III. Reception and Living Conditions in Greece

1 Legal Framework: Reception Conditions Directive

The purpose of the Reception Conditions Directive¹⁰⁸ is to lay down minimum standards for the reception of asylum seekers,¹⁰⁹ including housing, food, and other material assistance;¹¹⁰ health care; the right to

¹⁰⁸ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (Reception Conditions Directive), available [here](#).

¹⁰⁹ As part of the CEAS reform, the Reception Conditions Directive was also reformed: Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection, available [here](#). For further information on the new ‘Reception Conditions Directive’ see ECRE’s related Comments Paper: ECRE Comments on the Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (Recast),’ September 2024, available [here](#).

¹¹⁰ Material reception conditions include the provision of housing, food, clothing in kind or through financial allowances, as well as daily expense allowances, see Article 2 (g) of the Reception Conditions Directive.

education for minors;¹¹¹ and the right to work during the asylum procedure generally no later than nine months from the date when the application was first lodged.¹¹² Where housing is provided, Member States are under the obligation to protect the applicants' right to family life, and to provide the possibility for communication with, *inter alia*, relatives and legal advisers.¹¹³ Additionally, necessary health care that applicants are entitled to receive "include[s], at least, emergency care and essential treatment of illnesses and of serious mental disorders."¹¹⁴ Finally, as a protection for applicants from arbitrary cuts, services provided under the umbrella term 'material reception conditions' can only be reduced or withdrawn in specific cases listed in the Directive.¹¹⁵

Overall, the Directive indicates that "Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health."¹¹⁶ Relatedly, on their website, the Greek Ministry of Migration and Asylum states that "[m]aterial reception conditions are provided in order to ensure a sufficient standard of living with respect to human dignity."¹¹⁷ As detailed below, the reception conditions in Greece, however, are generally characterized by a lack of dignified living conditions for asylum seekers (⇒ 4). Illustrative of this is that the ECtHR found that Greece had violated Article 3 of the ECHR¹¹⁸ related to the deplorable material conditions in Greece's reception facilities in at least 10 judgments in 2023 and 2024 alone.¹¹⁹ In three other ECtHR cases, specifically related to living conditions on the Greek island of Lesbos, the Greek government and the respective applicants came to a friendly settlement agreement, after which the ECtHR removed the cases from its registry.¹²⁰ As of this writing, there are many more such cases regarding the living conditions for asylum seekers in Greece pending before the ECtHR.¹²¹

2 Housing in Remote and Prison-Like Facilities

In 2022, the so-called ESTIA program,¹²² which had accommodated applicants with special reception needs and their families, was terminated.¹²³ As of this termination, Greece's reception system is "modelled on

¹¹¹ Article 14(1) of the Reception Conditions Directive.

¹¹² Article 15(1) of the Reception Conditions Directive.

¹¹³ Article 18(2a, b) of the Reception Conditions Directive.

¹¹⁴ Article 19(1) of the Reception Conditions Directive.

¹¹⁵ Article 20 of the Reception Conditions Directive.

¹¹⁶ Article 17(1) and (2) of the Reception Conditions Directive.

¹¹⁷ Greek Ministry of Migration and Asylum: 'Material Reception Conditions,' governmental website, accessed on 20 February 2025, available [here](#). The website refers to Articles 1 and 59 of the Law No. 4939/2022 (Greek Asylum Code).

¹¹⁸ Article 3 of the ECHR contains the prohibition of torture and inhuman or degrading treatment or punishment.

¹¹⁹ ECtHR, *A.D. v. Greece*, no. 55363/19, 4 April 2023; *H.A. and Others v. Greece*, nos. 4892/18 and 4920/18, 13 June 2023; *E.F. v. Greece*, no. 16127/20, 5 October 2023; *M.B. v. Greece*, no. 8389/20, 23 November 2023; *M.L. v. Greece*, no. 8386/20, 23 November 2023; *T.K. v. Greece*, 16112/20, 18 January 2024; *A.I. and Others v. Greece*, no. 13958/16, 18 January 2024; *A.R. and Others v. Greece*, nos. 59841/19, 15782/20 and 21997/20, 18 April 2024; *M.A. and Others v. Greece*, nos. 15192/20, 15728/20, 16094/20, and 16511/20, 3 October 2024; *T.A. and Others v. Greece*, 15293/20, 15459/20, 15713/20 and 15775/20, 3 October 2024.

¹²⁰ ECtHR, *M.H. and M.H. v. Greece*, no. 114/19 (dec.), 18 April 2024; *A.M. v. Greece*, no. 40408/21 (dec.), 17 October 2024; *A.A. and Others v. Greece*, 36527/21 (dec.), 5 December 2024.

¹²¹ Moritz Baumgärtel: 'Strasbourg cases on Greek hotspots,' last accessed 5 February 2025, available [here](#).

¹²² ESTIA stands for Emergency Support to Integration and Accommodation. For further information, see Fenix: 'Closure of ESTIA II: thousands of extremely vulnerable asylum seekers to be left without humane and adequate accommodation and proper care,' 31 October 2022, available [here](#).

¹²³ AIDA: 'Country Report on Greece – Update 2023,' June 2024, p. 174, available [here](#).

camp-based accommodation.”¹²⁴ If no NGO shelter or independent accommodation is available¹²⁵—which is the case in the vast majority of cases—applicants for international protection, including Dublin returnees, are accommodated in one of 27 camps on the Greek mainland,¹²⁶ or one of five CCACs located on the ‘hotspot islands’:¹²⁷ Chios, Kos, Leros, Lesvos, and Samos.¹²⁸

As detailed below, residents of Greek accommodation facilities are subjected to “conditions of constant control, surveillance and repression.”¹²⁹ Civil society organisations have also reported “cases of violence and domestic violence,”¹³⁰ including sexual and gender-based violence, inside these structures, and have illustrated that effective reporting and protection mechanisms usually are not available to those affected (⇒ VI.1).¹³¹

2.a Mainland Camps

The camps located on the mainland include 24 Controlled Access Facility for the Temporary Accommodation of Asylum Seekers (CAFTAAs), and three RICs in Malakasa, Diavata, and Fylakio, which are responsible for the initial registration procedure on the mainland.¹³² The lack of independent actors in these mainland camps, as well as the limited media attention received, has prevented effective monitoring of reception conditions, especially after the International Organization for Migration stopped publishing data on mainland camps in March 2022.¹³³ Nonetheless, NGOs on the ground regularly report on these camps’ conditions. These reports show that, while the conditions and available services in these camps may differ, they are typically located in remote and isolating areas,¹³⁴ and have been “gradually transformed into prison-like, high security settings.”¹³⁵

¹²⁴ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 25, available [here](#).

¹²⁵ Some NGOs and private initiatives in Greece offer accommodations outside of the government-run camp system. However, the capacity of such programs is extremely limited. One example of such an initiative is the 2017 program of the Norwegian Refugee Council: ‘Providing refugees in Greece with a room of their own,’ 25 July 2017, available [here](#); RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, pp. 18, 43, 49, available [here](#).

¹²⁶ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, pp. 3, 5-6, available [here](#).

¹²⁷ For further context with respect to the hotspot approach in EU migration policy, see Dutch Council for Refugees et al.: ‘The implementation of the hotspots in Italy and Greece – A study,’ December 2016, available [here](#).

¹²⁸ For an overview of the currently 24 Temporary Accommodation of Asylum Seekers (CAFTAAs), see the website of the Ministry of Migration and Asylum [here](#); for an overview of the currently three Reception and Identification Centres (RICs) on mainland Greece as well as of the currently five Closed Controlled Access Centres (CCACs) on the Aegean islands, see the website of the Ministry of Migration and Asylum [here](#).

¹²⁹ See, for example, RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, p. 21, available [here](#).

¹³⁰ RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, p. 21, available [here](#); also RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 5, available [here](#) (highlighting that in Ritsona, for example, various security and violence incidents have been reported in the camp over the past year).

¹³¹ Fenix: ‘A Gendered Gaze On Migration: Report on sexual and gender-based violence in the context of the Greek asylum policy on Lesvos,’ February 2024, pp. 27-28, available [here](#); Racist Violence Recording Network: ‘Annual Report 2023,’ April 2024, p. 19, available [here](#); RLS & MIT: ‘Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland,’ July 2024, p. 40, available [here](#).

¹³² RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, pp. 3-4, available [here](#).

¹³³ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 194, available [here](#).

¹³⁴ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, pp. 14-15, available [here](#) (including a table indicating the distance of selected camps from urban centres like Athens and services); The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 25, available [here](#).

¹³⁵ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 194, available [here](#). For a more detailed description of the security measures in place in mainland camps, see RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 7, available [here](#); for a detailed examination on how the use of technology and surveillance infrastructure on Samos impacts people living and working in CCAC, see IHR & BVMN: ‘Controlled and Confined: Unveiling the Impact of Technology in the Samos Closed Controlled Access Centre,’ January 2025, available [here](#).

The EUAA guidance on reception emphasizes that accommodation facilities should be reasonably close to essential services like health care, legal aid, education, asylum offices, and markets.¹³⁶ As reported by RLS and MIT in July 2024, both the Greek Ombudsperson and UNHCR documented hindered access to urban centres, hospitals, and asylum offices for applicants due to the remote location of camps combined with frequent disruptions to RIS’s transportation services between 2022 and 2024.¹³⁷ According to the Greek Ombudsperson, residents of camps often have to use means of public transportation—if available and accessible—in order “to travel to urban areas, and bear the cost associated with this.”¹³⁸ This situation is compounded by limited services within the facilities and the lack of free transport, forcing residents to either use their minimal financial aid for fares or—if even possible—walk long distances.¹³⁹ In an open letter in May 2023, 32 Refugee Education Coordinators working in Greek camps, including on the mainland, voiced great concerns about this isolation, the fortification of reception facilities, and the surveillance of their residents: The 32 signatories of this open letter describe these camps, which are “shielded with double fencing and scaled wire mesh and guarded by private security companies,” as an “‘open prison’ environment.”¹⁴⁰

After carrying out numerous inspections, the Greek Ombudsperson reported in 2024 that across all facilities, “strict and multiple control systems” were installed.¹⁴¹ More specifically, the report mentions facilities being surrounded by fences or walls, at times with barbed wire on top; additional CCTV systems; and technical control systems, such as turnstile doors, magnetic gates, and x-ray machines.¹⁴² The same year, RSA confirmed these findings.¹⁴³ In 2024, the Greek Ombudsperson voiced “significant concerns about the proportionality” of these security measures applied and the detention-like appearance, which “create conditions of confinement that are inconsistent with the status of the residents, who are a vulnerable population group.”¹⁴⁴

2.b CCACs on the Aegean Islands

As of 2021, on the ‘hotspot islands’ of Chios, Kos, Leros, Lesvos and Samos—with €276 million provided by the European Commission¹⁴⁵—Greek authorities erected CCACs that serve as both reception and pre-deportation facilities: The newly constructed structures in Samos and Leros were inaugurated in September and November 2021 respectively; the new facility on Kos started to be operational in August 2022; and in

¹³⁶ EASO: ‘Guidance on reception conditions: operational standards and indicators,’ September 2016, pp. 13-14, available [here](#); more recent EUAA: ‘Guidance on Reception – Operational standards and indicators,’ May 2024, p. 21, available [here](#).

¹³⁷ RLS & MIT: ‘Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland,’ July 2024, p. 30, available [here](#).

¹³⁸ The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 25, available [here](#).

¹³⁹ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, pp. 14-17, available [here](#); The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 25, available [here](#).

¹⁴⁰ The open letter of 32 Refugee Education Coordinators regarding the reception conditions in Greek asylum camps was published in its original version, e.g., on [efsyn.gr](#) news platform on 11 May 2023, available [here](#). Extracts were translated to English and published in AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 194-195, available [here](#).

¹⁴¹ The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection: Reception – Conditions and Procedures,’ 2024, p. 37, available [here](#).

¹⁴² *Ibid.*, p. 41.

¹⁴³ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 7, available [here](#).

¹⁴⁴ The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 41, available [here](#).

¹⁴⁵ AI: ‘People seeking asylum detained in EU-funded “pilot” refugee camp on Samos,’ 30 July 2024, available [here](#).

Chios and Lesbos, the existing facilities were converted into CCACs in November 2022.¹⁴⁶ Although a new structure is still under construction on the island of Lesbos—specifically, in Vastria which is located roughly 30 km away from the city of Mytilene—it is not operational as of this writing.¹⁴⁷

While the setup of these five CCACs differ, all CCACs host applicants in an environment of extreme surveillance by Greek police and private security.¹⁴⁸ In particular, the newly erected structures on Kos, Leros, and Samos are equipped with extensive ‘security measures.’ In a report on the CCAC on Samos, Amnesty International described the setup:

The centre operates a rigid system of restrictions and surveillance, including double barbed wire metal fencing, CCTV surveillance, digital and physical security infrastructures, and the 24/7 presence of patrolling police and privately contracted security officers.¹⁴⁹

RSA and PRO ASYL provide further details on the surveillance and repression measures in place at the newly built CCACs:

The CCAC in Samos, Kos and Leros are surrounded by an external NATO-type double security fence...Control systems such as turnstiles, magnetic gates, x-rays, two-factor access control system (identity and fingerprint) have been installed at the entrance of the structures and must be passed by in order for the residents to enter and exit the structure. Also, every time they return they are subjected to bag and body check and pass again by metal detectors.¹⁵⁰

Reports from Kos indicate that residents of the CCAC “avoid leaving the structure” in order not to be subjected to excessive controls.¹⁵¹ When people do choose or need to exit and later re-enter the camp, the extreme security checks imposed on the residents, combined with overcrowding (⇒ 4.a) and staff shortages, result in prolonged wait times to enter or exit the camp.¹⁵² Residents of the camp are also subjected to extensive periods of waiting in “other aspects of life within the CCAC,” for example, waiting “for interviews, for interpreters, for food, for medical support.”¹⁵³ This practice of ‘enforced waiting’ contributes to dehumanising living conditions (⇒ 4) and exacerbates the feeling of imprisonment.¹⁵⁴ In June 2023, the European Ombudsperson initiated an inquiry related to the accommodation of applicants for international protection housed in EU-funded facilities in Greece, and found that the newly erected CCACs on Kos, Leros, and Samos “do not create a physical environment conducive to wellbeing and are, rather, reminiscent of detention facilities.”¹⁵⁵ Concurring with this analysis, Amnesty International—after their visit to Samos in December 2023—concluded to have found a “dystopian nightmare” in a “prison-like environment.”¹⁵⁶

¹⁴⁶ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 49-50, available [here](#). See also RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, available [here](#).

¹⁴⁷ Collective Aid et al.: ‘Joint Letter: No to Vastria CCAC,’ 30 October 2024, available [here](#); AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 51-52, available [here](#).

¹⁴⁸ RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, pp. 6, 25-27, available [here](#).

¹⁴⁹ AI: ‘People seeking asylum detained in EU-funded “pilot” refugee camp on Samos,’ 30 July 2024, available [here](#).

¹⁵⁰ RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, pp. 6-7, available [here](#).

¹⁵¹ *Ibid.*, p. 45.

¹⁵² AASIA ON THE ROAD et al.: ‘Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre,’ Joint Statement, January 2024, available [here](#).

¹⁵³ Ellen Allde: ‘Sanctioned Ignorance’ and the Detention of People Seeking Asylum in the EU-Funded CCAC on Samos,’ IHR and Rosa Luxemburg Stiftung, November 2023, p. 3, available [here](#).

¹⁵⁴ *Ibid.*, pp. 1-4.

¹⁵⁵ European Ombudsperson: ‘Decision in strategic inquiry OI/3/2022/MHZ on how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece,’ 7 June 2023, §48, available [here](#).

¹⁵⁶ AI: ‘People seeking asylum detained in EU-funded “pilot” refugee camp on Samos,’ 30 July 2024, available [here](#).

3 Restrictions on Freedom of Movement

Since mid-2022, asylum seekers in Greece must register their application for international protection either at a RIC on the mainland or a CCAC on the Aegean islands (⇒ II.2). Despite Article 8 of the Reception Conditions Directive¹⁵⁷ stipulating that Member States shall not hold a person in detention for the sole reason that they are an applicant for international protection, the Greek Asylum Code allows for such a ‘restriction of liberty’—or ‘restrictions of freedom’ (ROF)¹⁵⁸—for a maximum of 25 days,¹⁵⁹ in both the mainland facilities and the CCACs.¹⁶⁰ While this restriction of liberty is actually designed as an exception, in practice, such restrictions are imposed in a generalised and indiscriminate manner.¹⁶¹ In this context, the EU Commission sent an infringement letter to Greece¹⁶² in January 2023 with respect to “concerns regarding the compliance with EU law of Article 40 of Law 4939/2022, regulating ROF.”¹⁶³ It is, however, unclear if and how far these proceedings have advanced.¹⁶⁴ In any case, from July 2023 to September 2023, nearly 4,000 asylum seekers were *de facto* detained in the Samos and Lesbos CCACs.¹⁶⁵ While the Greek Ombudsperson also observed *de facto* deprivation of liberty on the mainland, the Ombudsperson’s 2024 report identified confinement concurrent with the initial registration procedure as a “common practice in the facilities in the islands.”¹⁶⁶

During this waiting period, applicants are usually confined to so-called waiting areas within the CCACs, “in which dire and substandard condition[s] prevail.”¹⁶⁷ Moreover, civil society organisations have documented that, at times, such restrictions were arbitrarily not waived before the end of the 25-day detention limit, even though the registration of the detained applicants had already been finalized. Further, in some cases, the 25-day limitation has been exceeded—even significantly. In Samos, for example, “legal organisations have consistently identified cases of applicants who were deprived of their liberty for more than 25 days, sometimes even up to 58 days.”¹⁶⁸ This routine detention of newly arrived asylum seekers

¹⁵⁷ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 (Reception Conditions Directive), available [here](#).

¹⁵⁸ AI: ‘Greece: Samos: “We feel in prison on the island” – unlawful detention and sub-standard conditions in an EU-funded refugee centre,’ 30 July 2024, p. 3, available [here](#).

¹⁵⁹ Article 40(a) of the Law No. 4939/2022 (Greek Asylum Code), which states in part that “During the second stage of ‘Admission’, third country nationals or stateless persons entering the Reception and Identification Centre or the Closed Controlled Facility: (a) are subject to the reception and identification procedures, being under a restriction of their freedom within the Centre, by decision of the Centre’s Administrator, issued within five (5) days of their entry. If, at the end of the five-day period, the above procedures have not been completed, the Commandant of the Reception and Identification Centre or the Closed Controlled Facility may, subject to Article 50, decide to extend the restriction of liberty of the above persons until the completion of these procedures for a further period not exceeding a total of twenty-five (25) days from the date of entry into the Reception and Identification Centre or the Closed Controlled Facility. In the framework of the above procedures, special care shall be taken for persons belonging to vulnerable groups and in particular for unaccompanied minors. The restriction of liberty shall entail a prohibition on leaving the Reception and Identification Centre or the Closed Controlled Facility and on remaining on their premises, in accordance with the terms and conditions laid down in their internal rules of operation....”

¹⁶⁰ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 23, 55, 58-59, available [here](#).

¹⁶¹ AASIA ON THE ROAD et al.: ‘Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre,’ Joint Statement, January 2024, available [here](#); further see Avocats sans Frontières France et al.: ‘Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos,’ joint open letter, 19 September 2023, available [here](#).

¹⁶² European Commission: ‘January Infringements package: key decisions,’ INF(2022)2156, 26 January 2023, available [here](#).

¹⁶³ AI: ‘Greece: Samos: “We feel in prison on the island” – unlawful detention and sub-standard conditions in an EU-funded refugee centre,’ 30 July 2024, p. 6, available [here](#).

¹⁶⁴ *Ibid.*, pp. 6-7, 42.43.

¹⁶⁵ RLS: ‘Over 4000 Asylum Seekers Unlawfully Detained on Samos and Lesbos,’ September 2023, available [here](#).

¹⁶⁶ The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 119, available [here](#).

¹⁶⁷ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 55, available [here](#); also Avocats sans Frontières France et al.: ‘Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos,’ joint open letter, 19 September 2023, available [here](#).

¹⁶⁸ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 58, available [here](#).

amounts to unlawful *de facto* detention, and effectively results in “the mass violations of the right to liberty under Article 5 of the [ECHR].”¹⁶⁹

Applicants for international protection residing in a CCAC are subject to further restriction of their freedom of movement: First, the so-called ‘geographical restriction’ confines applicants to a specific island, and forbids them to leave that island until their asylum procedure is completed.¹⁷⁰ Second, camp residents are forced to “comply with permitted hours of exit and (re)entry,” including the obligation to remain inside the CCAC at night.¹⁷¹ “Non-compliance with these obligations can *inter alia* lead to the reduction and/or withdrawal of material reception conditions in accordance with article 61 Asylum Code.”¹⁷²

4 Insufficient Reception Conditions

RICs, CAFTAAs, and CCACs are generally characterised by “poor conditions including sleeping in tents exposed to the weather elements, severe lack of safety and violence, remoteness of the location and limited access to health care.”¹⁷³ However, despite the EU’s promises that conditions would improve, especially with regard to the new CCACs on the Aegean islands,¹⁷⁴ the CCACs continue to replicate systemic deficiencies of past reception centres, failing to uphold basic human rights.¹⁷⁵ The same is true for the former RICs on Chios and Lesbos, which were converted into CCACs instead of replaced with newly built camps. There, the “existing structures...have not improved and people continue to be hosted in degrading conditions.”¹⁷⁶ As detailed hereafter, such substandard conditions are not limited to the islands, but also prevail on the mainland. Relatedly, in their June 2024 report, RSA concluded that material reception conditions provided on mainland Greece do “not meet the minimum legal standards on dignified living” for individuals applying for international protection.¹⁷⁷

Relatedly, the ECtHR has repeatedly condemned Greece for its inhuman and degrading treatment of applicants.¹⁷⁸ Among the most recent ECtHR judgments against Greece, concerning a total of 13 applicants, are *M.A. and Others v. Greece* and *T.A. and Others v. Greece*. In these cases, with regards to the reception conditions on Chios and Samos, the ECtHR found that the applicants had been subjected to conditions

¹⁶⁹ Avocats sans Frontières France et al.: ‘Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos,’ joint open letter, 19 September 2023, available [here](#) (containing further details on the inhuman and degrading detention conditions). AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 23, 53, 58-59, available [here](#) (concurring with the joint open letter).

¹⁷⁰ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 24-25, 183-184, available [here](#).

¹⁷¹ *Ibid.*, p. 192.

¹⁷² *Ibid.*

¹⁷³ RSA: ‘Detention and Reception Conditions,’ last accessed 6 February 2025, available [here](#).

¹⁷⁴ For an impression on the conditions on Greek islands prior to 2021, see MSF: ‘Greece: Trapped in island camps,’ 2020, available [here](#); Eric Reidy: ‘Winter warnings for Europe’s largest refugee camp,’ *The New Humanitarian*, 14 November 2019, available [here](#); AI: ‘Greece: Refugees detained in dire conditions amid rush to implement EU-Turkey deal,’ 7 April 2016, available [here](#).

¹⁷⁵ AI: ‘People seeking asylum detained in EU-funded “pilot” refugee camp on Samos,’ 30 July 2024, available [here](#).

¹⁷⁶ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 52, available [here](#).

¹⁷⁷ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 27, available [here](#).

¹⁷⁸ Between 2023 and 2024 alone, the ECtHR found that Greece had violated Article 3 of the ECHR related to the deplorable material conditions in Greece’s reception facilities in at least 10 judgments: ECtHR, *A.D. v. Greece*, no. 55363/19, 4 April 2023; *H.A. and Others v. Greece*, nos. 4892/18 and 4920/18, 13 June 2023; *E.F. v. Greece*, no. 16127/20, 5 October 2023; *M.B. v. Greece*, no. 8389/20, 23 November 2023; *M.L. v. Greece*, no. 8386/20, 23 November 2023; *T.K. v. Greece*, 16112/20, 18 January 2024; *A.I. and Others v. Greece*, no. 13958/16, 18 January 2024; *A.R. and Others v. Greece*, nos. 59841/19, 15782/20 and 21997/20, 18 April 2024; *M.A. and Others v. Greece*, nos. 15192/20, 15728/20, 16094/20, and 16511/20, 3 October 2024; *T.A. and Others v. Greece*, 15293/20, 15459/20, 15713/20 and 15775/20, 3 October 2024.

incompatible with Article 3 of the ECtHR.¹⁷⁹ Furthermore, the ECtHR has repeatedly granted requests for interim measures related to the conditions in Greece’s asylum camps.¹⁸⁰ For example, in February 2024, the ECtHR granted a request for interim measures for applicants residing in the CCAC on Samos and “ordered the Greek authorities to ‘urgently accommodate the applicants in a safe and suitable accommodation and to ensure that both applicants are provided with adequate food, water, clothing and medical care’.”¹⁸¹ Similarly, in December 2023, “the ECtHR granted interim measures to two Afghan women and their five children due to the conditions in the CCAC in Kos.”¹⁸²

As Greek authorities do not provide Dublin returnees with any privileged or tailored services upon their return to Greece, Dublin returnees face the same notoriously insufficient material reception conditions,¹⁸³ further discussed below, as all other applicants.

4.a Inadequate Infrastructure and Overcrowding

When the number of new arrivals rises, Greek reception facilities, especially the CCACs on the islands, suffer from notorious overcrowding. Starting in July 2023, the CCACs on Lesbos and Samos started to receive increased arrivals again.¹⁸⁴ In response, in September 2023 “the nominal capacity of the CCAC” in Samos “was increased by 79.36% overnight: from 2,040 to 3,659 people.”¹⁸⁵ According to Amnesty International, however, no apparent changes were made to actually increase the accommodation space.¹⁸⁶ As of February 2024, now operating with the increased number of maximum residents, the CCAC on Samos was still running above capacity.¹⁸⁷

Both on the mainland and in the CCACs, asylum seekers are housed in containers, prefabricated units, tents, or large rubhalls that are internally divided into several smaller sections using plastic tarps.¹⁸⁸ Particularly the conditions in rubhalls “are unacceptable,”¹⁸⁹ with residents reporting cramped conditions, and

¹⁷⁹ ECtHR, *M.A. and Others v. Greece*, nos. 15192/20, 15728/20, 16094/20, and 16511/20, §17, 3 October 2024; *T.A. and Others v. Greece*, 15293/20, 15459/20, 15713/20 and 15775/20, §12, 3 October 2024.

¹⁸⁰ Since 2021, LCL has submitted 19 requests for interim measures to the ECtHR on behalf of residents in the Lesbos RIC (later CCAC) who were denied vital medical services. In 18 of these cases, either the ECtHR granted the petitions or the Greek state took steps to address the issues following the filings. LCL: ‘Litigation Initiatives Against Inhuman and Degrading Treatment in Hotspot Camps,’ last accessed 7 February 2025, available [here](#).

¹⁸¹ IHR: ‘Degrading conditions in Samos CCAC: The European Court of Human Rights grants Interim Measures,’ 7 February 2024, available [here](#).

¹⁸² EUAA: ‘3.6.1.1. Adapting reception systems,’ last accessed 12 February 2025, available [here](#).

¹⁸³ Material reception conditions include the provision of housing, food, clothing in kind or through financial allowances, as well as daily expense allowances. See Article 2(g) of the Reception Conditions Directive.

¹⁸⁴ RLS: ‘Over 4000 Asylum Seekers Unlawfully Detained on Samos and Lesbos,’ 19 September 2023, available [here](#); further data on arrivals in Greece are available on the Operational Data Portal hosted by UNHCR, available [here](#).

¹⁸⁵ RSA: ‘Disgraceful living conditions in the ‘state-of-the-art’ Closed Controlled Access Centre (CCAC) of Samos,’ 6 February 2024, available [here](#).

¹⁸⁶ AI: ‘Greece: Samos: “We feel in prison on the island” – unlawful detention and sub-standard conditions in an EU-funded refugee centre,’ 30 July 2024, p. 3, available [here](#).

¹⁸⁷ RSA: ‘Disgraceful living conditions in the ‘state-of-the-art’ Closed Controlled Access Centre (CCAC) of Samos,’ 6 February 2024, available [here](#).

¹⁸⁸ The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, pp. 25-31, available [here](#). For information regarding the mainland, see RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 6, available [here](#). For the islands, see RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, available [here](#).

¹⁸⁹ Avocats sans Frontières France et al.: ‘Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos,’ joint open letter, 19 September 2023, available [here](#); AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 59, available [here](#); RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 6, available [here](#) (noting that such rubhalls “are not equipped with showers, bathrooms or kitchens”).

“a lack of privacy and security due to the thin partition walls.”¹⁹⁰ Overall, the accommodation units often lack adequate infrastructure: Structural neglect has resulted in broken facilities, mold, infestations of bed-bugs and cockroaches, and leaking drains, forcing people to live in undignified conditions.¹⁹¹ Poor sanitation facilities lead to unhygienic living conditions, which then result in increased skin infections and other diseases.¹⁹² In addition, the Greek Ombudsperson has reported health concerns related to camps located in repurposed old factory buildings.¹⁹³ Similarly, Human Rights Watch, among others, voiced worry about possible lead contamination of the soil at the CCAC on Lesbos, as the area previously served as a military firing range.¹⁹⁴

Additional issues reported by camp residents include unreliable electricity,¹⁹⁵ as well as malfunctioning air conditioning and heating, leaving residents unprotected from temperatures over 40 degrees in summer and freezing temperatures in winter.¹⁹⁶

4.b Medical Care, Vulnerability Screenings, and Special Reception Needs

In general, primary health care ought to be provided within the reception facilities, while applicants should be referred, if necessary, to public hospitals for secondary health care.¹⁹⁷ However, in camps across Greece, asylum seekers face extremely limited access to medical care, particularly due to the shortage of public health workers in the camps.¹⁹⁸ Based on official government data from June 2024 of staff employed by the Greek Ministry of Migration and Asylum’s health care program, RSA calculated that—across all camps in Greece and considering the total number of residents—there is one doctor for every 635 persons and one nurse for every 200 residents.¹⁹⁹

However, this general ratio does not guarantee the presence of at least one publicly employed doctor at every camp. More specifically, as of June 2024, 13 of the 32 camps had no doctors at all, including the highly populated CCACs in Samos (2,255 residents on 30 June 2024) and Kos (1,263 residents on that day).²⁰⁰ Relatedly, the Greek Ombudsperson reported in 2024 that their inspections revealed that general practitioners in some facilities were absent, while psychiatrists and paediatricians usually were not provided, despite the urgent need of such specialized services.²⁰¹ The Ombudsperson’s inspections further revealed “that members of the existing staff (nursing, medical, and interpreters) moved around” between

¹⁹⁰ RLS & MIT: ‘Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland,’ July 2024, p. 26, available [here](#).

¹⁹¹ Ibid., pp. 25-28. See also RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 6, available [here](#).

¹⁹² MSF: ‘The struggle of healing under poor living conditions in Greece,’ 11 October 2024, available [here](#).

¹⁹³ The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 25, available [here](#).

¹⁹⁴ Human Rights Watch: ‘Greece: Lead Poisoning Concerns in New Migrant Camp,’ 8 December 2020, available [here](#).

¹⁹⁵ RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, p. 20, available [here](#).

¹⁹⁶ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 60, 199, available [here](#); LCL: ‘Prison quarantine and dangerous fires: Updates from the Lesbos camp,’ 23 February 2022, available [here](#); LCL: ‘Legal Centre Lesbos Quarterly Newsletter: April – June 2021,’ 13 August 2021, p. 3, available [here](#).

¹⁹⁷ The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 63, available [here](#).

¹⁹⁸ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 212, available [here](#).

¹⁹⁹ RSA: ‘Persisting severe reception deficiencies in understaffed camps,’ 5 September 2024, available [here](#).

²⁰⁰ The 13 camps without any doctors are: Alexandria, Chios, Corinth, Filippiada, Katsikas, Kos, Kyllini, Pyrgos, Samos, Serres, Sintiki, Vagiochori and Volos. RSA: ‘Persisting severe reception deficiencies in understaffed camps,’ 5 September 2024, available [here](#).

²⁰¹ The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 63, available [here](#); RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, p. 30, available [here](#).

camps “on a daily basis to meet the needs of other facilities,” and that staff routinely is not replaced when on leave.²⁰² The Ombudsperson also observed an insufficient supply of medication, and that medical equipment at times was missing or that there was no specialized staff present to operate it.²⁰³

In parallel, access to secondary health care for applicants has also been obstructed. The Greek Ombudsperson reported cases where hospital appointments were provided with delay.²⁰⁴ In 2023, the Racist Violence Recording Network documented a particularly severe case of medical neglect of a now-deceased person “from Congo who... was suffering from multiple health issues. Despite his condition, he was never referred for further examination or treatment outside the [CAFTAA].”²⁰⁵

The failure to provide for sufficient translators both inside the camps (⇒ II.2.c) and at public hospitals creates further challenges for applicants to access basic health care.²⁰⁶ Additionally, unreliable or inaccessible transportation services—public or otherwise—deprive applicants of their “freedom to access essential services” outside the facilities, e.g. the closest public hospitals which are usually located in urban areas.²⁰⁷

According to Article 62(3) of the Greek Asylum Code, applicants who were identified as “vulnerable persons...have special reception needs and thereby” should “benefit from special reception conditions.”²⁰⁸ However, first, the delays in the registration procedure in parallel with the aforementioned shortage of medical staff result in both delayed medical screenings and delayed vulnerability assessments of new arrivals.²⁰⁹ As a result, cases with special reception and protection needs may not be identified in a timely manner.²¹⁰ Second, besides some centres specifically dedicated for unaccompanied minors,²¹¹ there are no specialised facilities for the separate accommodation of applicants who are considered vulnerable. In fact, Greek law does not require accommodation in separate facilities but merely requests that there are separate spaces in the existing camps: Law No. 4825/2021 “provides for the operation of distinct spaces,

²⁰² The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 67, available [here](#).

²⁰³ *Ibid.*, pp. 73, 75.

²⁰⁴ *Ibid.*, p. 67.

²⁰⁵ Racist Violence Recording Network: ‘Annual Report 2023,’ April 2024, p. 16, available [here](#).

²⁰⁶ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 212, available [here](#); The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 67, available [here](#) (highlighting the lack of interpretation services in public hospitals).

²⁰⁷ The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 8, available [here](#).

²⁰⁸ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 20, available [here](#).

²⁰⁹ MSF: ‘Ελλάδα: Εν μέσω αυξημένων αφίξεων, οι Γιατροί Χωρίς Σύνορα καταγράφουν σημαντικά κενά στην πρόσβαση των αιτούντων άσυλο σε υπηρεσίες υγείας στη Λέσβο,’ English: Greece: Amid increased arrivals, Médecins Sans Frontières records significant gaps in access to health services for asylum seekers on Lesbos, 1 September 2023, available [here](#); GCR & OXFAM International: ‘Inquiry on Fundamental Rights in the EU-funded Migration Facilities on the Greek Islands,’ March 2023, p. 15 available [here](#) (highlighting that the lack of timely vulnerability assessments in practice means that vulnerabilities are not taken into account during the interview or in the decision-making for individual cases); AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 137, available [here](#) (highlighting that there are no public health structures specialised in identifying or assisting torture survivors in their rehabilitation process).

²¹⁰ The Greek Ombudsperson: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, pp. 73, 121, available [here](#); also RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, p. 12, available [here](#) (stating that as a result of delayed assessments, in many cases, the procedure of examining an asylum application is initiated without the necessary registration of vulnerability, and with serious shortcomings in supporting and referring vulnerable cases).

²¹¹ Unaccompanied minors are accommodated in dedicated shelters or in so-called ‘safe areas’ either in mainland RICs or island CCACs. Further, long-term accommodation facilities for unaccompanied minors are managed primarily by civil society entities, charities, and international organisations such as IOM. AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 220, available [here](#); RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, p. 5, available [here](#); METAdrasi: ‘Accommodation Centers for Unaccompanied Minors in Chios and in Samos,’ last accessed 12 February 2025, available [here](#); IOM: ‘Long Term Accommodation Shelters for Unaccompanied Migrant Children in Greece,’ last accessed 12 February 2025, available [here](#).

within the [general] types of accommodation,” meaning RICs, CAFTAAAs, and CCACs, “that should fulfil specifications appropriate for the accommodation of third country nationals or stateless persons belonging to the vulnerable groups.”²¹² Relatedly, statistics indicate that all but one mainland camp also accommodate vulnerable asylum seekers alongside other applicants.²¹³ According to RSA, “it remains unclear how special reception conditions afforded to people placed in camps differ from the general conditions available to the rest of the population staying in the same sites.”²¹⁴

Overall, to receive free medical care in Greece, international protection applicants must have an active PAAYPE (Foreigner’s Temporary Insurance and Health Coverage Number), which is tied to an “active international protection applicant’s card.”²¹⁵ Because of this condition, any Dublin returnee—as any other applicant—will generally be excluded from access to medical care if their asylum case is discontinued, found inadmissible, or otherwise closed.

In conclusion, the severely limited health care and psychosocial support available in Greece’s mainland camps and CCACs on the islands fall significantly short of the Greek authorities’ legal obligation to safeguard the physical and mental well-being of applicants for international protection. This assessment is further confirmed by the ECtHR’s well-established practice of granting urgent requests under Rule 39 ordering the Greek authorities to provide applicants with, *inter alia*, adequate medical care.²¹⁶

4.c Limited Access to Sufficient Food and Water

Compounding the above are a myriad of other insufficient reception conditions for applicants for international protection in Greece, including limited access to sufficient food and water, as well as to bedding, clothing, financial assistance, and legal aid (⇒ 4.d). As of 30 June 2024, official government data reported that 3,312 residents across all camps (18%) are not receiving material reception conditions such as food or financial assistance.²¹⁷

Based on reports of civil society organisations, Greek authorities routinely exclude residents from food and water distribution based on their legal status, as under Greek law, reception conditions including food and water are only provided for international protection applicants and terminate once a decision is entered.²¹⁸ As a result, approximately 6,000 individuals living in Greek camps are ineligible to receive food, water, and other conditions, forcing them to face food insecurity without the right to seek employment.²¹⁹ This exclusionary policy also applies to Dublin returnees if their asylum cases are discontinued, found inadmissible, or otherwise closed.

²¹² AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 189, available [here](#).

²¹³ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 21, available [here](#).

²¹⁴ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 22, available [here](#); RLS & MIT: ‘Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland,’ July 2024, pp. 36-37, available [here](#).

²¹⁵ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 213, available [here](#).

²¹⁶ For example, IHR: ‘Degrading conditions in Samos CCAC: The European Court of Human Rights grants Interim Measures,’ 7 February 2024, available [here](#). Furthermore, since 2021, LCL has submitted 19 requests for interim measures to the ECtHR on behalf of residents in the Lesbos RIC (later CCAC) who were denied vital medical services. In 18 of these cases, either the ECtHR granted the petitions or the Greek state took steps to address the issues following the filings. LCL: ‘Litigation Initiatives Against Inhuman and Degrading Treatment in Hotspot Camps,’ last accessed 21 February 2025, available [here](#).

²¹⁷ RSA: ‘Persisting severe reception deficiencies in understaffed camps,’ 5 September 2024, available [here](#).

²¹⁸ LNOB: ‘Forced food insecurity at the Lesbos Closed Controlled Access Centre,’ 15 June 2023, available [here](#); RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 7, available [here](#).

²¹⁹ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, p. 7, available [here](#).

According to the Greek Ombudsman’s report, “In all facilities, meals are provided by catering companies, with three meals per day being distributed once daily, accompanied by bottles of water.”²²⁰ The once-daily distribution puts residents’ health at risk because of the impossibility of safe food storage, particularly in the summer months with high temperatures: Based on the authors’ experience in the field, residents do not have access to refrigerators and are not allowed to have their own. The distribution of water in bottles, rather than water fountains or other communal sources, has forced residents to drink unfiltered tap water or rely on others for drinking water.²²¹ Furthermore, according to MIT and RLS, 76% of surveyed residents expressed dissatisfaction with the food provided, with reports of the pre-packaged meals smelling bad, containing rotten items, being inedible, and “lacking in variety, taste and nutritional value.”²²²

4.d Other Insufficient Material Reception

In addition, the facilities in Greece also fail to provide sufficient bedding and clothing to meet the basic needs of residents.²²³ For example, according to MIT and RLS, “In Ritsona, one respondent reported that their container lacked basic items such as a bed, mattress and blankets on arrival, leading to her having to borrow items from other residents in the camp.”²²⁴ Similarly, in October 2023, the Greek Ombudsman received reports that “residents...were sleeping unregulated in unsuitable accommodation without beds” in the Samos CCAC, with some “sleeping on cardboard boxes on the floor.”²²⁵ Shortages of bed linens, quality mattresses, and clothing have also been reported in other facilities across Greece.²²⁶

Under Greek law, asylum seekers residing in the country’s reception system are entitled to a financial allowance to cover basic needs, which “shall be disbursed on a monthly basis” and starts when they lodge their application for international protection in Greece.²²⁷ The allowances are €75 per month for single persons, and €210 for families of four or more.²²⁸ According to a July 2024 report from MIT and RLS, “93% of respondents who were receiving cash assistance and were explicitly asked about this, reported that the amount provided was insufficient to cover their basic needs and living expenses.”²²⁹

Furthermore, at the end of June 2024, official government data showed that only 43% of eligible individuals were receiving this assistance.²³⁰ In practice, applicants face substantial delays in receiving these disbursements due to delays in Greek authorities’ assessment of applicants’ applications for assistance, as well as

²²⁰ The Greek Ombudsman: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 53, available [here](#).

²²¹ RLS & MIT: ‘Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland,’ July 2024, p. 39, available [here](#).

²²² Ibid.

²²³ Ibid.

²²⁴ Ibid., p. 26.

²²⁵ The Greek Ombudsman: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 31, available [here](#).

²²⁶ RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, p. 20, available [here](#); The Greek Ombudsman: ‘The Challenge of Migratory Flows and Refugee Protection Reception – Conditions and Procedures,’ 2024, p. 57, available [here](#).

²²⁷ RSA: ‘Refugee Camps In Mainland Greece,’ June 2024, pp. 8-9, available [here](#); Articles B2, B4, Annex III JMD 2089/2021.

²²⁸ RLS & MIT: ‘Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland,’ July 2024, p. 48, available [here](#).

²²⁹ Ibid.

²³⁰ RSA: ‘Persisting severe reception deficiencies in understaffed camps,’ 5 September 2024, available [here](#); further, documentation related to respective parliamentary scrutiny is available [here](#).

the program's setup in which payments are backdated by two months.²³¹ As a result, for applicants who receive a decision on their asylum claim in a short period of time, they never receive any disbursements because the allowance, including any unmade retroactive payments, ceases when a decision is entered for their application.²³² Moreover, applicants receiving this cash assistance have also faced unexpected delays in payments for reasons unexplained by the Greek Ministry of Migration and Asylum.²³³ For example, in September 2024, asylum seekers on the Aegean islands and the mainland had not received payments for May, June, July, and August.²³⁴ Taken together, the insufficient allowance amounts and the major deficiencies in disbursement leave many asylum seekers unable to meet their basic needs and living expenses, which are "generally not reliably provided by the camp."²³⁵

Moreover, applicants, including Dublin returnees, also face other insufficient reception conditions that hinder their access to the asylum procedure, including extremely limited access to both interpretation services (⇒ II.2.c) and legal aid. Despite the legal obligation to provide information on asylum seekers' rights and obligations within the Greek reception system, as well as to provide contacts of organisations who offer legal assistance, Greek authorities in the camps reportedly fail to proactively assist residents in interpreting decisions on their claims, explaining the appeals procedure, or accessing legal representation.²³⁶ Furthermore, the communication of first instance decisions by email, which—due to insufficient internet access or delivery of the electronic notification to junk mail—can cause applicants to effectively take notice of a rejection after the appeal deadline has already expired.²³⁷

5 Limited Capacities of NGOs

The significant supply gap left by Greek authorities cannot be fully compensated by private or international actors. This is evident in UNHCR's funding shortfall in Greece, which stood at 51% as of 31 December 2024.²³⁸ Similarly, NGOs only have "limited resources," and therefore "can provide only a temporary solution," for example, in cases of acutely deficient provision of food.²³⁹ In this context, NGOs regularly address the Greek government with joint letters, calls, or public petitions urging the responsible authorities to consistently provide applicants with adequate material reception conditions and reliable access to legal proceedings.²⁴⁰ Furthermore, NGOs working in the migration-related field, in comparison to other organisations in Greece, are confronted with additional regulations that "may hinder the operations of NGOs assisting asylum seekers and migrants."²⁴¹ For example, RLS and MIT report a reduced "presence of non-

²³¹ RSA: 'Refugee Camps In Mainland Greece,' June 2024, pp. 8-9, available [here](#).

²³² *Ibid.*, p. 10.

²³³ Avocats Sans Frontières France et al.: 'Joint Statement: Provision of cash assistance to asylum seekers in Greece must resume immediately,' 17 September 2024, available [here](#).

²³⁴ *Ibid.*

²³⁵ RLS & MIT: 'Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland,' July 2024, p. 48, available [here](#).

²³⁶ *Ibid.*, p. 35.

²³⁷ AIDA: 'Country Report on Greece – Update 2023,' June 2024, pp. 75-76, available [here](#).

²³⁸ UNHCR: 'Funding Update 2024 – Greece,' 31 December 2024, available [here](#).

²³⁹ LNOB: 'Forced food insecurity at the Lesbos Closed Controlled Access Centre,' 15 June 2023, available [here](#).

²⁴⁰ For example, Avocats Sans Frontières France et al.: 'Joint Statement: Provision of cash assistance to asylum seekers in Greece must resume immediately,' 17 September 2024, available [here](#); Europe Cares e.V.: 'Join our call to the #EU and sign the petition!', post on Facebook, 14 January 2024, available [here](#); Arsis Association for the Social Support of Youth et al.: 'Reception of Asylum Seekers in Greece: The Demand For Humane Conditions Remains,' 9 November 2023, available [here](#).

²⁴¹ AI: 'Greece: Regulation of NGOs Working on Migration and Asylum Threatens Civic Space,' 31 July 2020, available [here](#); LNOB: 'Forced food insecurity at the Lesbos Closed Controlled Access Centre,' 15 June 2023, available [here](#).

governmental actors in the camps,” with lawyers, civil society organisation staff, and relatives of camp residents facing “restrictions on entry” to camps on the mainland.²⁴²

Finally, the presence of NGOs and their efforts to support applicants for international protection in Greece—including Dublin returnees—do not absolve state authorities of their responsibility to fulfil their obligations. In a case concerning detention conditions in the Vial camp on Chios,²⁴³ the ECtHR found that the Greek government failed to specify whether the NGOs operating on the island had sufficient funds and legal capacity to assist the large number of asylum seekers in the Vial camp, including the complainants. The Court concluded that legal remedies to challenge their detention were unavailable to the complainants. As a result, it ruled that there had been a violation of Article 5(4)²⁴⁴ of the ECHR.²⁴⁵ Applied to the questions relevant in this expert opinion, the existence of NGOs that generally assist and support asylum seekers in Greece does not absolve the Member State—which is considering transferring an applicant to Greece—from its obligation to determine by thorough examination whether the specific individual would have actual access to NGO services.

Key Findings

⇒ **Accommodation in prison-like and remote facilities:** Greece’s reception model for asylum applicants—including Dublin returnees—relies on isolated, high-security camps. Both on the mainland and the islands, accommodation facilities resemble detention centres, with barbed-wire fences or walls, surveillance systems, and restrictions on the freedom of movement. These measures disproportionately affect the mental well-being of applicants, exacerbate the feeling of imprisonment, and hinder the access to essential services outside these structures.

⇒ **Severe restrictions on freedom of movement:** On both the mainland and the islands, applicants face significant restrictions on their freedom of movement until their registration is completed—at times beyond the 25-day limit under the Greek Asylum Code. This routine confinement of newly arrived asylum seekers amounts to unlawful *de facto* detention. Even after this ‘restriction of liberty’ is lifted, applicants accommodated in CCACs remain subjected to strict hours of exit and (re)entry. In addition, so-called geographical restrictions are imposed on applicants subject to the EU-Turkey statement, preventing them from leaving a designated island.

⇒ **Inadequate infrastructure and lack of essential services, including health care:** Greek asylum facilities suffer from structural deficiencies and a severe lack of basic resources. Applicants for international protection live in repurposed buildings, containers, prefabricated units, tents, and large rubhalls. These accommodations often lack temperature controls, ventilation, and privacy. Overcrowding and inadequate sanitation facilities exacerbate unhygienic conditions that lead to widespread disease outbreaks, while health care services remain critically understaffed and undersupplied.

²⁴² RLS & MIT: ‘Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland,’ July 2024, p. 14, available [here](#).

²⁴³ Before November 2022, the Vial camp on Chios was operated as a RIC. As of November 2022, the camp was transformed into a CCAC. AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 49-50, available [here](#). See also RSA & PRO ASYL: ‘What is happening today in the refugee structures on the Aegean islands,’ May 2023, available [here](#); Global Detention Project: ‘Chios VIAL Closed Controlled Access Centre (formerly Reception and Identification Centre),’ last accessed 30 January 2025, available [here](#).

²⁴⁴ Article 5(4) of the ECHR guarantees that everyone who is deprived of their liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of their detention shall be decided speedily by a court and their release ordered if the detention is not lawful.

²⁴⁵ ECtHR, *O.S.A. and Others v. Greece*, no. 39065/16, §56, 21 March 2019.

⇒ **Insufficient food, water, and other material assistance:** Greek authorities fail to meet residents' basic needs, including by providing insufficient food and water, with delays in financial assistance further exacerbating inadequate living conditions. Approximately 6,000 individuals have been deemed ineligible to receive food, water, and other conditions due to being outside the asylum procedure. The services provided by NGOs do not absolve a Member State from its obligations to determine whether an individual would have actual access to those services.

⇒ **Returning asylum seekers to Greece under the Dublin system exposes them to inhuman and degrading conditions:** Based on the well-documented insufficient reception conditions in Greece, Dublin returnees would be subjected to severe restrictions on their freedom of movement in isolated, high-security prison-like facilities, and placed under strict surveillance—likely worsening their physical and mental well-being. Returnees would face insufficient essential services, including likely-inaccessible health care and other poor material reception conditions. These systemic failures would expose individuals to potential (re)traumatization, feelings of anguish, and serious mental or physical harm, amounting to inhuman and degrading treatment contrary to Article 3 of the ECHR and Article 4 of the EU Charter.

IV. Risk of Detention and Detention Conditions

1 Legal Framework for Detention in Greece

People on the move in Greece—including Dublin returnees—may be administratively detained²⁴⁶ at several stages of the asylum procedure,²⁴⁷ including in RICs and CCACs (⇒ III.2), pre-removal detention centres (PRDCs), police stations, and prisons.²⁴⁸

Article 8 of the Reception Conditions Directive stipulates that Member States (1) shall not hold a person in administrative detention²⁴⁹ for the sole reason that they are an applicant for international protection, and (2) may only detain an applicant if other less coercive alternative measures cannot be applied effectively, and if detention, based on an individual assessment of the case, proves necessary. The Reception Conditions Directive then provides an exhaustive list of possible reasons for detention,²⁵⁰ names the guarantees for and rights of detained applicants,²⁵¹ and defines minimum standards for the conditions of detention.²⁵²

²⁴⁶ In Greece, people on the move are routinely arrested and arbitrarily charged with smuggling-related offences. However, such criminal procedures are not subject to the present expert opinion. For information on the criminalization of people on the move, see Valeria Hänsel, Rob Moloney, Dariusz Firla & Rûnbîr Serkepkanî: 'Incarcerating the Marginalised - The Fight Against Alleged "Smugglers" on the Greek Hotspot Islands,' November 2020, available [here](#); Julia Winkler & Lotta Mayr: 'Study: A legal vacuum – the systematic criminalisation of migrants for driving a boat or car to Greece,' July 2023, available [here](#).

²⁴⁷ MIT & Border Criminologies: "'Prison for Papers': Last Resort Measures as Standard Procedure Researching Pre-removal Detention Centres on Mainland Greece,' February 2023, p. 9, available [here](#).

²⁴⁸ For an overview of detention facilities in Greece, see Global Detention Project on Greece, available [here](#), last accessed 21 February 2025.

²⁴⁹ Detention in connection with criminal charges follows the rules of the criminal procedure, and is not further considered herein.

²⁵⁰ Article 8(3) of the Reception Conditions Directive.

²⁵¹ Article 9 of the Reception Conditions Directive.

²⁵² Article 10 of the Reception Conditions Directive.

In contrast, the legal framework in Greece “threatens to undermine the principle that detention of asylum seekers should only be applied exceptionally and as a measure of last resort.”²⁵³ The relevant legal provisions in Greek law are Article 50(2) of the Asylum Code,²⁵⁴ articulating the reasons for detaining an applicant for international protection; Article 50(3) of the Asylum Code,²⁵⁵ articulating the reasons to keep an already detained applicant in detention; Article 30 of Law No. 3907/2011,²⁵⁶ addressing the detention of third country nationals who are subject to return proceedings; and Law No. 3386/2005,²⁵⁷ governing detention based on a deportation order.

2 Detention Practice in Greece

In their 2023 report on PRDCs on mainland Greece, MIT and Border Criminologies found that “the use of detention for people on the move has become systematic and embedded in Greek law,” with “[t]estimonies indicat[ing] arbitrary use of detention both in terms of the reason and length of time that people are detained.”²⁵⁸ According to AIDA’s 2023 Country Report Update on Greece, “there is a lack of a comprehensive individualised procedure for each detention case, despite the relevant legal obligation to do so.”²⁵⁹ Moreover, public order or national security grounds are reportedly used “in an excessively and in an unjustified manner” to justify detention orders.²⁶⁰ Authorities also often fail to consider alternatives to immigration detention,²⁶¹ despite the Greek Asylum Code’s reference to Law No. 3907/2011, which enumerates an array of less restrictive measures alternative to detention, such as regular reporting to the authorities, an obligation to reside in a specific area, or the possibility of a financial guarantee.²⁶² Furthermore, civil

²⁵³ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 224, available [here](#). In its case law, the CJEU confirmed that detention within the scope of the Reception Conditions Directive “is to be used only as a last resort, when it is determined to be necessary, reasonable and proportionate to a legitimate purpose....” CJEU, *J.N. (C-601/15 PPU) v. Staatssecretaris van Veiligheid en Justitie*, 15 February 2016, §63.

²⁵⁴ Article 50(2) of the Law No. 4939/2022 (Greek Asylum Code) allows for administrative detention for the following reasons: (a) to determine their identity or nationality; (b) in order to determine those elements on which the application for international protection is based which could not be obtained otherwise, in particular when there is a risk of absconding of the applicant; (c) when they constitute a danger for national security or public order; (d) when there is a significant risk of absconding; (e) to decide, in the context of a procedure, on the applicant’s right to enter the territory. AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 224, available [here](#).

²⁵⁵ Article 50(3) of the Law No. 4939/2022 (Greek Asylum Code) states that an asylum seeker exceptionally may remain in detention if they are already detained for the purpose of removal when they lodge an asylum application, and be subjected to a new detention order following an individualised assessment. In this case, the asylum seeker may be kept in detention on the basis of one of the grounds named in Article 50(2) of the Asylum Code (see previous footnote), or when there are reasonable grounds to believe that the applicant is lodging the application merely to delay or obstruct the enforcement of a return decision. AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 227, available [here](#).

²⁵⁶ Law No. 3907/2011 on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third country national and other provisions. With this law, Greece implemented the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Return Directive), available [here](#). While the Return Directive was not directly included in the CEAS reform, return procedures are in practice still affected by the new rules and regulations. For further information, see PICUM: ‘PICUM Analysis of the Asylum Procedure Regulation and Return Border Procedure Regulation,’ December 2024, available [here](#).

²⁵⁷ Law No. 3386/2005 on Entry, Residence and Social Integration of Third Country Nationals on the Greek Territory.

²⁵⁸ MIT & Border Criminologies: “‘Prison for Papers’”: Last Resort Measures as Standard Procedure Researching Pre-removal Detention Centres on Mainland Greece,’ February 2023, p. 5, available [here](#).

²⁵⁹ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 228, available [here](#).

²⁶⁰ *Ibid.*, p. 229.

²⁶¹ Responding to the EUAA, the Greek Asylum Service answered evasively that “it is up to the Police to decide on the implementation of the alternatives to detention...when they are considered effective” and there is no legal impediment. European Commission, EUAA & Greek Asylum Service: ‘Information on procedural elements and rights of applicants subject to a Dublin transfer to Greece,’ 25 April 2024, p. 10. available [here](#).

²⁶² Art. 50(2) of the Greek Asylum Code that further refers to Article 22(3) of the Law No. 3907/2011.

society organisations reported the “lack of effectiveness of review of detention orders in the context of migration” as a “long-lasting issue of concern” within the migration-related practice in Greece.²⁶³

Related detention statistics reflect the systematic detainment of people on the move in Greece: In 2023, the Greek Police issued a total number of 24,174 immigration detention orders,²⁶⁴ and in the first half of 2024, the Greek Police issued 12,772 detention orders.²⁶⁵ Notably, for the first half of 2024, available statistics show a detention rate of 99.2% in deportation proceedings, and 64.3% with respect to return proceedings under Law No. 3907/2011.²⁶⁶

As early as 2018, the Greek Ombudsperson saw signs “of detention becoming the general rule, instead of an exceptional administrative measure to ensure return, as stipulated by the Return Directive and Law No. 3907/11.”²⁶⁷ One example of this disregard for the principle of proportionality,²⁶⁸ which should guide the use of administrative detention, is the practice of the Greek Police to issue detention orders regardless of the actual prospect of removal or deportation from Greece. Even when the “removal is not feasible due to the situations prevailing in their country of origin or the suspension of readmissions to Türkiye since March 2020,” the police “continue to impose prolonged detention.”²⁶⁹ For example, RSA reported that in the first six months of 2024, the Greek authorities imposed pre-removal detention on “people originating from countries such as Afghanistan, Syria, Somalia, Palestine or Eritrea...without any removal prospect either to the country of origin or to Türkiye.”²⁷⁰

3 Detention Conditions

Various sources have consistently reported that detention conditions for asylum seekers in Greece fail to meet basic standards.²⁷¹ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) confirmed these shortcomings in a report on their 2023 visit to detention facilities in Greece, namely PRDCs, CCACs, and police stations. According to CPT, detainees face, *inter alia*, physical ill-treatment, verbal abuse, racist insults, aggressive behaviour by police officers and coast guard officials, poor living conditions, and a lack of access to health care, legal aid, and interpretation services.²⁷²

In a joint follow-up submission to CPT, MIT, Border Criminologies, and BVMN reported a “recurring pattern of violence by police officers” based on testimonies from “individuals who experienced detention in pre-

²⁶³ GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, p. 30, available [here](#) (referring to *H.T. v. Germany and Greece*, no. 13337/19, 15 October 2024).

²⁶⁴ Out of these, 10,245 in return procedures (Return Directive), 10,295 in deportation procedures (derogation from the Directive) and 3,634 in the asylum process (Reception Conditions Directive). RSA: ‘Immigration detention in Greece in 2023,’ Policy Note, May 2024, p. 1, available [here](#).

²⁶⁵ Out of these, 3,864 in return procedures (Return Directive), 6,815 in deportation procedures (derogation from the Directive) and 2,093 in the asylum process (Reception Conditions Directive). RSA: ‘Immigration detention in Greece in the first half of 2024,’ October 2024, p. 1, available [here](#).

²⁶⁶ RSA: ‘Immigration detention in Greece in the first half of 2024,’ October 2024, p. 1, available [here](#).

²⁶⁷ The Greek Ombudsperson: ‘Return Of Third Country Nationals – Special Report 2018,’ June 2019, p. 8, available [here](#); more recent, AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 229, available [here](#).

²⁶⁸ The principle of proportionality is guaranteed as a general principle in administrative law in Article 25(1) of the Greek Constitution.

²⁶⁹ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 229, available [here](#).

²⁷⁰ RSA: ‘Immigration detention in Greece in the first half of 2024,’ October 2024, p. 6, available [here](#).

²⁷¹ MIT & Border Criminologies: ‘“Prison for Papers”: Last Resort Measures as Standard Procedure Researching Pre-removal Detention Centres on Mainland Greece,’ February 2023, p. 70, available [here](#); ERBB: ‘Still Detained and Forgotten,’ 28 February 2023, p. 32, available [here](#); Oxfam & GCR: ‘Detention as the default,’ November 2021, pp. 17-18, available [here](#).

²⁷² CPT: ‘Report to the Greek Government on the visit to Greece carried out CPT from 20 November to 1 December 2023,’ CPT/Inf (2024) 21, 12 July 2024, available [here](#).

removal facilities after November 2023.”²⁷³ The submission details practices such as psychological abuse, physical abuse in “secret rooms,” and the denial of transfers to hospitals for necessary medical treatment. Furthermore, it stresses the absence of functional complaint mechanisms and the lack of meaningful accountability for the state authorities, including police officers, who perpetrated such violations.²⁷⁴

Similarly, the living conditions in PRDCs are also notoriously inhuman, with insufficient hygiene, inadequate sanitation, widespread vermin infestations, broken doors and beds, and unavailability of purposeful or recreational activities.²⁷⁵ Furthermore, the shortage of personnel working in PRDCs—including health staff, administrative personnel and interpreters—is alarmingly high.²⁷⁶ Evaluating the recent figures supplied by the Greek authorities to the Council of Europe Committee of Ministers in the context of supervision of the execution of ECtHR’s *M.S.S.* ruling,²⁷⁷ RSA found that “no doctor was present in Amygdaleza and Paranesti [PRDC], accounting for almost half of the immigration detention population in Greece.”²⁷⁸ Amygdaleza, the biggest detention centre with 647 detainees as of June 2024, has only two nurses and one psychologist.²⁷⁹ Furthermore, in its 2023 visit to detention facilities in Greece, CPT found security measures equivalent to a high-security prison, such as several layers of rolls of barbed wire on top of the fences, which are “totally inappropriate for the purpose of holding persons in administrative detention.”²⁸⁰ The joint submission by MIT, Border Criminologies, and BVMN concludes that the living conditions in Greek PRDCs are “dehumanising,” and may “amount to torture or inhuman and degrading treatment.”²⁸¹

Moreover, Greek authorities routinely hold detainees in police or border guard stations, which “are by nature not suitable for detention exceeding 24 hours.”²⁸² In some cases, people on the move in Greece are held for several weeks or months in these substandard conditions,²⁸³ even though the ECtHR has consistently ruled that prolonged detention in police stations violates Article 3 of the ECHR.²⁸⁴

²⁷³ MIT, Border Criminologies & BVMN: ‘Report on the conditions in Pre-Removal Detention Centres in Greece,’ Joint Submission to the CPT, December 2024, p. 7, available [here](#).

²⁷⁴ *Ibid.*, p. 8.

²⁷⁵ MIT & Border Criminologies: “‘Prison for Papers’: Last Resort Measures as Standard Procedure Researching Pre-removal Detention Centres on Mainland Greece,’ February 2023, 68, available [here](#); CPT: ‘Report to the Greek Government on the visit to Greece carried out CPT from 20 November to 1 December 2023,’ CPT/Inf (2024) 21, 12 July 2024, available [here](#); MIT, Border Criminologies & BVMN: ‘Report on the conditions in Pre-Removal Detention Centres in Greece,’ Joint Submission to the CPT, December 2024, p. 7, available [here](#).

²⁷⁶ RSA: ‘Immigration detention in Greece in the first half of 2024,’ October 2024, p. 9, available [here](#).

²⁷⁷ ECtHR, *M.S.S. v. Belgium and Greece* [GC], no. 30696/09, ECHR 2011.

²⁷⁸ RSA: ‘Immigration detention in Greece in the first half of 2024,’ October 2024, p. 9, available [here](#) (referring to the Secretariat of the Committee of Ministers: ‘Action Plan (20/08/2024) – Communication from Greece concerning the group of cases of *M.S.S. v. Greece*,’ 20 August 2024, available [here](#)).

²⁷⁹ RSA: ‘Immigration detention in Greece in the first half of 2024,’ October 2024, pp. 1, 9, available [here](#).

²⁸⁰ CPT: ‘Report to the Greek Government on the visit to Greece carried out CPT from 20 November to 1 December 2023,’ CPT/Inf (2024) 21, 12 July 2024, available [here](#).

²⁸¹ MIT, Border Criminologies & BVMN: ‘Report on the conditions in Pre-Removal Detention Centres in Greece,’ Joint Submission to the CPT, December 2024, p. 19, available [here](#).

²⁸² AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 26, available [here](#).

²⁸³ Detention in police or border guard stations, *inter alia*, do not allow outdoor access; generally lack sufficient natural light; are not equipped with adequate sanitary facilities; do not provide clothing, sanitary products, sufficient food, or medical services; and have no interpretation services. CPT: ‘Report to the Greek Government on the visit to Greece carried out CPT from 20 November to 1 December 2023,’ CPT/Inf (2024) 21, 12 July 2024, p. 16, available [here](#).

²⁸⁴ See e.g. ECtHR, *Tousios v. Greece*, no. 36296/19, 10 February 2022; *H.A. and Others v. Greece*, no. 19951/16, 28 February 2019; *S.Z. v. Greece*, no. 66702/13, 21 June 2018; and *Kavouris and Others v. Greece*, no. 73237/12, 17 April 2014.

Key Findings

- ⇒ **Detention without removal prospects:** If an asylum application is deemed inadmissible or rejected, the applicant is at risk of being held in pre-removal detention—even when deportation is not realistically possible. This practice also affects individuals from countries such as Afghanistan, Syria, Somalia, Palestine, and Eritrea, despite the lack of feasible return options.
- ⇒ **Systematic and arbitrary use of detention for asylum seekers:** Greek authorities have made administrative detention a routine practice for asylum seekers, disregarding the legal principle that detention should be a last resort. Public order and national security grounds are routinely misused to justify detention, and alternatives to detention, such as reporting obligations or financial guarantees, are rarely considered.
- ⇒ **Inhuman detention conditions and abuse:** Detention facilities in Greece, including police or border guard stations and those integrated in PRDCs or CCACs, fail to meet basic human rights standards. Reports highlight poor hygiene, vermin infestations, broken infrastructure, lack of medical care, and severe shortages of personnel. Testimonies document physical and psychological abuse, racist insults, and violent treatment by Greek state authorities.

V. Continued Risk of Border Violence

In Greece, Dublin returnees face a continuous risk of being subjected to violent border maintenance operations even if they presumably have ‘safely arrived’ on Greek territory, as they are not protected by any additional and specific safeguards. The Greek practice of systematically pushing people back to Turkey, either across the Evros River or the Aegean Sea, is well documented and widely known²⁸⁵—although the Greek government continues to deny its conduct of these arbitrary summary expulsions.²⁸⁶ Since March 2020, LCL has documented over 100 pushbacks, illustrating a *modus operandi* that is inherently violent, consistently puts migrants' lives at risk, and applies measures to conceal the identity of the perpetrators, as well as prevent the documentation of the operations.²⁸⁷

In January 2025, in the case of *A.R.E.*—a Turkish citizen pushed back from Greece to Turkey where she was subsequently arrested and jailed—the ECtHR found, based on the great number of reports referring to the systematic practice of pushbacks conducted by Greek authorities,²⁸⁸ “that it has serious evidence to suggest that, at the time of the alleged events, there was a systematic practice by the Greek authorities of returning third-country nationals from [Greece] to Turkey.”²⁸⁹ As also illustrated by *A.R.E.*, the informal

²⁸⁵ In a report to the UN Human Rights Committee, the UN Special Rapporteur on the human rights of migrants defined pushbacks as “various measures taken by States...which result in migrants, including asylum seekers, being summarily forced back, without an individual assessment of their human rights protection needs, to the country or territory, or to sea...from where they attempted to cross or crossed an international border.” UN Special Rapporteur on the Human Rights of Migrants, Felipe González Morales: ‘Report on means to address the human rights impact of pushbacks of migrants on land and at sea,’ Doc. No. A/HRC/47/30, 12 May 2021, available [here](#). For the documentation of pushbacks, see, for example, Recording Mechanism of Informal Forced Returns: ‘Annual Report 2023,’ June 2024, available [here](#); BVMN: ‘Black Book of Pushbacks 2022,’ Vol. IV, Dezember 2022, available [here](#).

²⁸⁶ Oral submissions presented to the ECtHR during the chamber hearing in the cases of *G.R.J. v. Greece* and *A.[R.]E. v. Greece* on 4 June 2024, documentation available [here](#), online broadcast available [here](#).

²⁸⁷ LCL & ELDH: ‘Third Party Intervention submitted to the ECtHR in the case of *Muhammad v. Greece*, no. 34331/22,’ 19 November 2024, §§6-8, available [here](#).

²⁸⁸ ECtHR, *A.R.E. v. Greece*, no. 15783/21, §226, 7 January 2025; decision in *G.R.J. v. Greece*, no. 15067/21 (dec.), §187, 7 January 2025.

²⁸⁹ ECtHR, *A.R.E. v. Greece*, no. 15783/21, §229, 7 January 2025; decision in *G.R.J. v. Greece*, no. 15067/21 (dec.), §190, 7 January 2025.

return of Turkish citizens can result in devastating consequences, as they are directly refouled to the country from which they are seeking protection.²⁹⁰

In addition to the Greek government's conduct of pushbacks, LCL and others have also documented cases of irregular deportation of people—from Greece to Turkey—who had never been to Turkey before, who had already applied for asylum in Greece, or who had already obtained legal residency in Europe. The following case studies illustrate that even people who are legally entitled to stay in Greece may be subject to irregular deportation to Turkey, as pushbacks are “arbitrary, and indiscriminate, often based on racial profiling rather than an assessment of a right to enter or stay in the country.”²⁹¹

In 2016, then-21-year-old Fady, a refugee living in Germany, travelled to Greece to look for his 11-year-old brother who fled Syria to seek international protection but disappeared while crossing the Evros River. In Greece, Greek police racially profiled and abducted Fady, confiscating his German residency and refugee documents. Subsequently, Fady was detained and forced by masked commandos—in the presence of German-speaking Frontex officers—into a dinghy and transported across the Evros River to Turkey.²⁹² “Despite holding German residency and EU refugee status, Fady was effectively rendered undocumented for nearly three years, during which he experienced multiple expulsions from Greece (while reattempting re-entry 14 times) and was repeatedly exposed to deportation to Syria. His brother remains missing to this day.”²⁹³ In November 2020, a related communication was filed with the UN Human Rights Committee, which is still pending as of this writing.²⁹⁴

In September 2021, an interpreter working with Frontex was racially profiled, “taken to a remote warehouse where he was kept with at least 100 others...then put on dinghies and pushed across the Evros River into Turkish territory.”²⁹⁵ While the Greek Ombudsperson concluded after their investigation “that ‘there was sufficient evidence to substantiate the accusations’,” the competent prosecutor initially decided to “archive the case on grounds of insufficient evidence, without previously having called either the complainant/ victim or the officers on the day of the incident to testify.”²⁹⁶ Only due to the Appeals Prosecutor was the case reopened for supplementary examinations. As of this writing—more than three years after the incident—this preliminary investigation at the prosecutorial stage of the proceedings is still pending.²⁹⁷

In early October 2021, two young men from Syria—who both had pending asylum applications in Greece and had travelled to Alexandroupoli for work—were individually stopped in the street by a group of uniformed officers. The officers subsequently brought them to a detention facility where other people on the move were being held, and later pushed them to Turkey. Both of these young men provided LCL with a testimony of their deportation and presented LCL with documentation of their application procedures in

²⁹⁰ For examples of pushbacks of Turkish citizens, see GCR: ‘At Europe’s Borders: Between Impunity and Criminalization,’ March 2023, pp. 26-32 available [here](#); SCF: ‘Pushbacks of Turkish asylum seekers from Greece to Turkey: Violation of the principle of non-refoulement,’ 20 January 2023, available [here](#).

²⁹¹ ECCHR: ‘Analyzing Greek Pushbacks: Over 20 Years of Concealed State Policy Without Accountability,’ last updated February 2022, available [here](#).

²⁹² John Washington: ‘“I Didn’t Exist”—A Syrian Asylum-Seeker’s Case Reframes Migrant Abuses as Enforced Disappearances,’ The Intercept, 28 February 2021, available [here](#).

²⁹³ de: border migration justice collective: ‘F.A.A. v Greece: Illegal expulsions and enforced disappearance at Evros,’ last accessed 28 January 2025 when last updated May 2024, available [here](#).

²⁹⁴ Redacted Communication to the United Nations Human Rights Committee in the case of *FAJ against Greece*, November 2020, available [here](#).

²⁹⁵ Matina Stevis-Gridneff: ‘E.U. Interpreter Says Greece Expelled Him to Turkey in Migrant Roundup,’ The New York Times, 1 December 2021, available [here](#).

²⁹⁶ GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, p. 19, available [here](#).

²⁹⁷ *Ibid.*, pp. 19-20.

Greece. One of these two men was granted refugee status in Greece following his irregular deportation from the country.

In late October 2021, four Cuban men embarked on a journey from Cuba to Greece, transiting through Russia, Serbia, and North Macedonia. Upon reaching Thessaloniki, they were apprehended by plainclothes officers who confiscated their belongings, including passports and medication. Despite expressing their intent to seek asylum, they were transported to a detention facility under the pretence of document verification, where they then were subjected to invasive searches, deprived of any outside communication and legal assistance. The following day, they were moved to a second detention centre near the Evros River, where masked officers forced them to undress and physically assaulted them. Subsequently, the group, along with other detained migrants, was transported to the riverbank and forced to board an inflatable boat operated by individuals in balaclavas. They were then pushed across the river into Turkey, a country they had never been to before, without any official processing or acknowledgment of their asylum requests in Greece.²⁹⁸

Similar to the previous case study, LCL is representing two Cuban citizens who travelled from Cuba to Greece through Russia, Serbia, and North Macedonia in October 2021. In Greece, they initially stayed in Thessaloniki, and started to gather legal information on how to legalize their stay in Greece. When they presented themselves to an asylum application registration centre close to the land border between Greece and Turkey in January 2022, they were detained and irregularly deported to Turkey across the Evros River with 30 other people on the move.

In summer 2022, LCL further assisted a young man from Syria, who had previously received status in Germany and visited Greece for holiday purposes with proper documentation. In Thessaloniki, he was racially profiled, stopped by the police, subsequently detained, and irregularly deported to Turkey across the Evros River.

In January 2023, the ECtHR delivered its judgment in *B.Y. v. Greece*.²⁹⁹ In this case, a Turkish citizen claimed to have been ‘forcibly disappeared’ and unlawfully deported from Athens to Turkey, despite his attempts to register an application for international protection in Greece. Although the applicant had submitted extensive evidence to the Court, the ECtHR was not convinced that he was, in fact, the victim of the incident in question. The Court further noted that this uncertainty “stems to a large extent from the failure of the national authorities to carry out the thorough and effective investigation which they were required to carry out.”³⁰⁰ Consequently, the ECtHR found that Greece had violated the procedural limb of Article 3 of the ECHR. However, three judges, in a strong joint dissenting opinion, argued that Greece should have also been held liable for violating the substantive aspect of Article 3 of the ECHR.

Key Findings

- ⇒ **Dublin returnees face continued risk of irregular deportation from Greece:** The case studies presented illustrate that applicants for international protection may be subjected to violent border maintenance operations, including irregular deportation, even after their registration as asylum seekers in Greece. There are no guarantees that Dublin returnees—regardless of whether they were returned under the ‘take back

²⁹⁸ BVMN: “‘They were torturing him... The officer was trying to drown him.’ – four Cubans recount a violent pushback of 40 people from Greece to Turkey,” testimony of a pushback conducted on 31 October 2021, available [here](#).

²⁹⁹ ECtHR, *B.Y. v. Greece*, no. 60990/14, 26 January 2023.

³⁰⁰ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, p. 42, available [here](#).

procedure' or following a potential 'take charge request' (⇒ I.1)—would be effectively protected from such racial profiling resulting in irregular deportation. The violent practices described herein constitute severe violations of an individual's fundamental rights.

VI. Dysfunctional Access to Justice

1 Ineffectiveness or Limited Effectiveness of Legal Remedies

Applicants for international protection further struggle to access legal remedies when deprived of their rights or subjected to racist violence. Relatedly, in June 2021, ECRE published a Legal Note examining challenges in using legal avenues to ensure Greece's compliance with its legal obligations under EU law with respect to the asylum procedure, unlawful returns, detention, and reception conditions. Overall, ECRE highlighted the value of advocacy and litigation efforts of civil society organisations in Greece, and in parallel found that despite these efforts—which do, at times, lead to successes in individual cases—systemic issues nevertheless persist in Greece's asylum system.³⁰¹ This is further illustrated by the ECtHR's repeated condemnation of Greece for violating its obligations under the ECHR in relation to the reception conditions provided to applicants for international protection, even though these ECtHR judgements seem to fail to have any effect beyond the individual applicant.³⁰²

Similarly, since March 2022, the Greek Council for Refugees (GCR) has represented 1,137 individuals in 98 applications for interim measures before the ECtHR regarding pushbacks in the Evros region, requesting "humanitarian assistance and access to the asylum procedure."³⁰³ While the ECtHR has granted interim measures in all of these cases and "ordered the Greek government not to remove the refugees from the country's territory," in "57 out of the 98 groups/cases" the applicants still "complain they have been pushed back to Turkey."³⁰⁴ In 31 of these cases, the applicants "went missing after the Court's decision and GCR is not aware of their whereabouts," leaving only 23 cases where the applicants have been taken into custody by the Greek authorities.³⁰⁵ These GCR statistics, alongside the continuing systematic practice of pushbacks (⇒ V), show Greece's disregard for both the fundamental rights of people on the move and international judicial avenues available. In addition, based on LCL's experience, such litigation often takes years without changing the applicant's individual situation in the interim or ever.

2 Systematic Failure to Investigate Violations of Migrant Rights³⁰⁶

Drawing from publicly available sources, as well as LCL's experience in representing people on the move who were exposed to pushbacks and other forms of racist violence in Greece,³⁰⁷ this expert opinion argues

³⁰¹ ECRE: 'Asylum in Greece: A Situation Beyond Judicial Control?', Legal Note #09, 2021, available [here](#).

³⁰² Moritz Baumgärtel: 'Strasbourg cases on Greek hotspots,' last accessed 5 February 2025, available [here](#).

³⁰³ GCR: 'Information Note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks,' last accessed 5 February 2025 when last updated 28 January 2025, available [here](#).

³⁰⁴ *Ibid.*

³⁰⁵ *Ibid.*

³⁰⁶ This Section is partially based on a Third Party Intervention submitted to the ECtHR in the case of *Muhammad v. Greece* with the application no. 34331/22 by LCL & ELDH on 19 November 2024, available [here](#).

³⁰⁷ Since March 2020, LCL has documented over 100 pushbacks, publishing two extensive reports, available [here](#) and [here](#); contributing to Forensic Architecture's Platform 'Drift-backs in the Aegean Sea,' available [here](#); and submitting incident reports to the National Commission for Human Rights' Recording Mechanism of Incidents of Informal Forced Returns, available [here](#). LCL has also represented over 50 survivors and surviving family members of pushback and attempted pushback operations before Greek courts, the ECtHR, and before the UN Human Rights Committee.

that Greek authorities systematically fail to adequately investigate allegations of racist violence—both under their *ex officio* obligation and when survivors or surviving family members file related complaints. As demonstrated herein, domestically available avenues in practice fail to offer any accessible and effective remedies to survivors of racist violence or their family members, and are not in any way adapted to provide real chances of redress.³⁰⁸

In January 2025, GCR, the Hellenic League for Human Rights, HIAS Greece, RSA and others published a joint report on the state of the rule of law in Greece. This report highlighted, *inter alia*, the “persistent culture of impunity and state inaction in addressing police misconduct” in Greece.³⁰⁹ The report also notes that, as in the asylum procedure (⇒ II.2), the complainants in a criminal case face significant delays in judicial proceedings,³¹⁰ further delaying accountability for state violence. The ECtHR has also repeatedly condemned Greece regarding the lack of proper investigations, the failure to address violence by police, and insufficiently available remedies in cases of border violence.³¹¹ In the same vein, MIT, Border Criminologies, and BVMN identified that in both the Paranesti and Corinth PRDCs, detainees are confronted with “the absence of functional complaint mechanisms and the lack of meaningful accountability for the police officers responsible for violence.”³¹²

A similar picture is provided by the most recent annual report of the Racist Violence Recording Network—established in 2011 by the Greek National Commission for Human Rights (NCHR) and UNHCR in Greece—which recorded a total of 158 incidents of racist violence between January and December 2023.³¹³ Among the victims, 89 were migrants, refugees, or asylum seekers, and in more than 30 incidents, the “victims reported perpetrators belonging to organized groups or being law enforcement officials.”³¹⁴ In this context, the testimonies provided to the Racist Violence Recording Network included violent incidents along Greek borders, as well as “indicate[d] a significant number of racially motivated incidents within reception and detention facilities, involving...employees of these facilities and law enforcement officials as perpetrators.”³¹⁵ Only 13 of the recorded incidents (8%) were reported to the police, and criminal proceedings have been initiated in only five of the recorded incidents (3%).³¹⁶

Furthermore, in late September 2024, the death of a 37-year-old person from Pakistan in police custody, whose body showed severe injuries,³¹⁷ prompted Human Rights Watch to demand “an immediate and thorough independent investigation.”³¹⁸ As of this writing, it is unclear if and how such an investigation will be effectively conducted in this case. Worrying in this regard is that the Agios Panteleimon Police Station—

³⁰⁸ Third Party Intervention submitted to the ECtHR in the case of *Muhammad v. Greece* with the application no. 34331/22 by LCL & ELDH on 19 November 2024, §10, available [here](#); GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, pp. 7-10, available [here](#).

³⁰⁹ GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, p. 9, available [here](#).

³¹⁰ *Ibid.*, pp. 31-34.

³¹¹ For example, ECtHR, *Safi and Others v. Greece*, no. 5418/15, 7 July 2022; *Alkhatib and Others v. Greece*, no. 3566/16, 16 January 2024; and *A.R.E. v. Greece*, no. 15783/21, 7 January 2025.

³¹² MIT, Border Criminologies & BVMN: ‘Report on the conditions in Pre-Removal Detention Centres in Greece,’ Joint Submission to the CPT, December 2024, p. 8, available [here](#).

³¹³ Racist Violence Recording Network: ‘Annual Report 2023,’ April 2024, p. 6, available [here](#).

³¹⁴ *Ibid.*, p. 15.

³¹⁵ Racist Violence Recording Network: ‘Annual Report 2023,’ April 2024, p. 16, available [here](#).

³¹⁶ *Ibid.*

³¹⁷ Yannis Tsakarissanos: ‘Pakistani migrant dead after a brutal beating at the Agios Panteleimon police station - Pictures,’ Documento News, 26 September 2024, available [here](#).

³¹⁸ Eva Cossé: ‘Death in Police Custody in Greece – Independent Investigation Urgently Needed,’ Human Rights Watch, 27 September 2024, available [here](#).

the very police station where the person was found dead—was involved in the conduct of the “preliminary interrogation.”³¹⁹

In another push for accountability for state violence, it remains to be seen how the Greek justice system will react to the clear conclusion of the Greek Ombudsperson’s 148-page investigative report³²⁰ on the fatal ‘Pylos shipwreck’³²¹ that killed more than 600 people in June 2023:

The Independent Authority’s findings reveal clear indications of culpability under Article 306 of the Criminal Code³²² for eight (8) senior officers of the Hellenic Coast Guard, regarding their knowledge and disregard of the risk to the life, health and physical integrity of the foreign nationals on board the fishing vessel Adriana, who are considered subject to investigation for deadly exposure, as well as for exposure to danger of the life, health and physical integrity of the persons on board the fishing vessel Adriana.³²³

3 Systematic Lack of Access to Justice in Cases of Border Violence

The systematic lack of access to justice in cases of violence at Greek borders is widely reported and recognized by civil society actors and human rights bodies. In particular, the lack of investigation into credibly alleged instances of border violence has been regularly highlighted by several civil society organisations.³²⁴ It was further confirmed in the ‘Guidance on investigating alleged ill-treatment at borders’ of the European Union Agency for Fundamental Rights (FRA), published on 30 July 2024.³²⁵ The UN Human Rights Committee also identified “a systematic lack of investigations into allegations of pushbacks” in its 2024 ‘Concluding observations on the third periodic report on Greece.’³²⁶

Generally, Greek law provides two general avenues for legal redress in case of police brutality or other forms of racist violence discussed hereafter: (a) criminal proceedings and (b) non-criminal proceedings, including compensation proceedings before administrative courts and non-judicial complaint mechanisms.

3.a Criminal Proceedings

Survivors of border violence and surviving family members can theoretically file a complaint before the competent Greek Prosecutors to request the opening of an investigation. In practice, however, the filing of such a complaint requires that the complainants meet an onerous evidentiary burden for an investigation to be initiated.³²⁷ Most importantly, if the perpetrators cannot be identified, which—for systemic reasons—is particularly difficult for the majority—if not all—incidents of border violence (\Rightarrow V),³²⁸ the Public

³¹⁹ GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, p. 20, available [here](#).

³²⁰ The Greek Ombudsperson: ‘Press Release | The Ombudsman’s Report on the Pylos Shipwreck,’ 3 February 2025, available [here](#).

³²¹ For more information see counter investigation by Forensis: ‘The Pylos Shipwreck,’ 7 June 2023, available [here](#).

³²² Article 306 of the Law 4619/2019 (Greek Penal Code) pertains to the offense of “Exposure.” This provision criminalizes the act of placing another person in a situation that renders them helpless while endangering their life, health, or physical integrity. Specifically, it addresses circumstances where an individual, through action or omission, exposes someone to potential harm or death.

³²³ The Greek Ombudsperson: ‘Press Release | The Ombudsman’s Report on the Pylos Shipwreck,’ 3 February 2025, available [here](#).

³²⁴ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 36-39, available [here](#); GCR: ‘At Europe’s Borders: Between Impunity and Criminalization,’ March 2023, available [here](#); oral submissions presented to the ECtHR during the chamber hearing in the cases of *G.R.J. v. Greece* and *A.[R.]E. v. Greece* on 4 June 2024, documentation available [here](#), online broadcast available [here](#).

³²⁵ FRA: ‘Guidance on investigating alleged ill-treatment at borders,’ 30 July 2024, p. 3, available [here](#).

³²⁶ UN Human Rights Committee: ‘Concluding observations on the third periodic report of Greece,’ CCPR/C/GRC/CO/3, 7 November 2024, §19, available [here](#).

³²⁷ GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, p. 22, available [here](#).

³²⁸ The *modus operandi* of pushbacks includes regular searches and the confiscation of phones—making it extremely difficult to produce evidence—and involve state agents who have their faces covered with masks and often are either wearing no uniform or uniforms without

Prosecutor can archive the case based on their assumption that there is not enough evidence in relation to the identity of the perpetrator(s). The case can also be archived if the Public Prosecutor determines that there is insufficient factual evidence to initiate a criminal prosecution.³²⁹

Most cases brought against Greek security agencies are, in fact, archived: According to official numbers Greek authorities provided in response to a question posed at the European Parliament last year, Public Prosecutors have investigated 79 cases of alleged pushbacks from 2020 to February 2024.³³⁰ “Out of those 79 cases: 48 cases have been archived, 15 cases are currently at the stage of preliminary investigation, nine (9) cases have been transmitted to other competent services, and seven (7) cases are pending.”³³¹

Additional statistics released in August 2024 confirm that zero charges have been brought by Public Prosecutors against Greek Police officers.³³² Similarly, the Piraeus Naval Court Prosecutor, the sole authority competent to launch criminal proceedings against Hellenic Coast Guard officers, reported that out of a total of 125 cases investigated from January 2019 to October 2024, 106 have been archived, only four have been referred to Public Prosecutors on competence grounds, 15 are pending preliminary examination, and so far no criminal nor disciplinary proceedings have been brought against any of the members of the Hellenic Coast Guard (HCG).³³³ These statistics confirm that first, compared to the huge number of pushbacks carried out against migrants since 2020, proportionally only very few investigations have actually been opened, and second, the vast majority of the opened investigations result in the cases being archived without further prosecution. Relatedly, civil society organisations have reported on the deficiencies in the collection and assessment of evidence in these investigations.³³⁴ The systematic failure to investigate contributes to the ongoing policy of denial³³⁵ and creates a sphere of impunity.³³⁶

In its most recent annual report, the Racist Violence Recording Network reported that most victims that provided testimonies “stated they did not wish to pursue further action.”³³⁷ The Network also identified victims’ continued fear of “secondary victimization or re-victimization” if they filed a complaint, as well as “their lack of trust in the authorities.”³³⁸ Similarly, the NCHR’s Recording Mechanism of Informal Forced Returns reported in its 2023 report that in 19 out of 45 incidents, the alleged victims reported that they

insignia. LCL & ELDH: ‘Third Party Intervention submitted to the ECtHR in the case of *Muhammad v. Greece*, no. 34331/22,’ 19 November 2024, §§18-19, available [here](#).

³²⁹ Article 43 of the Law No. 4620/2019 (Greek Criminal Procedure Code).

³³⁰ Ministry of Migration and Asylum’s letter to the European Commission, Ares(2024)1532076, 28 February 2024, available [here](#).

³³¹ European Parliament’s answer given by Ms Johansson on behalf of the European Commission to parliamentary question E-000150/2024, 14 March 2024, available [here](#).

³³² Ministry of Justice’s reply to parliamentary question 178/2024, 26 August 2024, available [here](#); GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, p. 19, available [here](#).

³³³ For the parliamentary question related to the investigation concerning the criminal liability and criminal prosecution of port authorities or members of the Navy for alleged illegal refoulement, see Hellenic Parliament: Parliamentary Question no. 6153 filed on 31 July 2024 and related answers, available [here](#); Ministry of Defence’s reply to parliamentary question, F.900a/6153/19533, 21 October 2024, available [here](#). See also GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, p. 19, available [here](#).

³³⁴ LCL & ELDH: ‘Third Party Intervention submitted to the ECtHR in the case of *Muhammad v. Greece*, no. 34331/22,’ 19 November 2024, §§18-22, available [here](#); GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, pp. 21-22, available [here](#).

³³⁵ For example, the Greek government’s line of argumentation in ECtHR, *A.R.E. v. Greece* in which they denied both the individual facts as presented by the applicant and the policy of pushbacks. Oral submissions presented to the ECtHR during the chamber hearing in the cases of *G.R.J. v. Greece* and *A.[R.]E. v. Greece* on 4 June 2024, documentation available [here](#), online broadcast available [here](#).

³³⁶ LCL & ELDH: ‘Third Party Intervention submitted to the ECtHR in the case of *Muhammad v. Greece*, no. 34331/22,’ 19 November 2024, §§12-13, available [here](#); also GCR: ‘At Europe’s Borders: Between Impunity and Criminalization,’ March 2023, available [here](#); GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, p. 9, available [here](#) (describing a “culture of impunity” in relation to “police misconduct”).

³³⁷ Racist Violence Recording Network: ‘Annual Report 2023,’ April 2024, p. 19, available [here](#).

³³⁸ *Ibid.*

definitely decided not to file an official complaint, “usually for fear of retaliation by the alleged perpetrators or negative impact on their request for International Protection, or revival of traumatic events”—others were still unsure at the time of their testimony.³³⁹

Relatedly, the investigative structure in Greece in itself fails to meet the required standards of independence,³⁴⁰ transparency, and protection against collusion,³⁴¹ particularly considering the likely role of racist motives in the constitutive violations.³⁴²

3.b Non-criminal Proceedings

Individuals who were harmed by the actions of the Greek State and its agents have, in theory, the ability of recourse, through the administrative courts, to claim compensation for injuries from illegal actions. In practice, however, survivors of border violence and their relatives face several procedural obstacles, e.g. the imposition of an excessive burden of proof, rendering this remedy effectively inaccessible.³⁴³ In any case, compensation proceedings can only lead to disciplinary and administrative remedies, which do not constitute adequate and effective remedies for a violation of Article 2 or 3 of the ECHR.³⁴⁴

Furthermore, there are several non-judicial mechanisms available in Greece, such as providing testimony to either the NCHR’s Racist Violence Recording Network or the Recording Mechanism of Informal Forced Returns, complaining to the National Transparency Authority (NTA),³⁴⁵ the Greek Fundamental Rights Officer of the Ministry of Migration and Asylum, the Greek Ombudsperson, or the newly appointed EUAA Fundamental Rights Officer for complaints against EUAA personnel.³⁴⁶ As non-judicial remedies do not comply with the standards of a remedy required under the ECHR, this expert opinion refrains from listing specific deficiencies identified in some of these complaint mechanisms.

Key Findings

⇒ **Systematic failure to adequately and independently investigate racist violence and pushbacks:** Greek authorities consistently fail to investigate allegations of racist violence and pushbacks, both when obligated to do so *ex officio* and when survivors or relatives of victims file complaints. Judicial avenues provide no effective domestic remedies, leaving those affected without real access to justice or redress.

³³⁹ Recording Mechanism of Informal Forced Returns: ‘Annual Report 2023,’ June 2024, p. 46, available [here](#).

³⁴⁰ The lack of independence derives from the circumstance that “investigations into potential criminal conduct by law enforcement bodies are carried out by the very same state bodies (Police, Hellenic Coast Guard) in their capacity as ‘general investigating officers’.” Vouliwatch et al.: ‘Greece in Institutional Decline: Joint Civil Society Submission to the European Commission on the 2024 Rule of Law Report,’ 24 January 2024, available [here](#).

³⁴¹ ECtHR, *Kolevi v. Bulgaria*, no. 1108/02, §§191-194, ECHR 2009.

³⁴² ECtHR, *Bekos and Koutropoulos v. Greece*, no. 15250/02, §69, ECHR 2005. Such racist and anti-migrant motives may also be relevant in relation to the prohibition of discrimination pursuant to Article 14 of the ECHR: The enjoyment of the rights and freedoms set forth in the ECHR shall be secured without discrimination. For an in-depth consideration of the Greek justice system, see GCR et al.: ‘Struggle for Accountability – The State of the Rule of Law in Greece,’ January 2025, pp. 15-34, available [here](#).

³⁴³ ECtHR, *Ananyev and Others v. Russia*, nos. 43535/07 and 60800/08, §228, ECHR 2012.

³⁴⁴ For example, ECtHR, *Hugh Jordan v. The United Kingdom*, no. 24746/94, §141, 4 August 2001; *Al-Skeini and Others v. the United Kingdom* [GC], no. 55721/07, §165, 7 July 2011.

³⁴⁵ In its recent case law, the ECtHR at least implicitly followed the applicant’s argumentation that called into question the independence of the NTA in general and, in particular, the methodology and conclusions of the NTA’s investigation report that denies any involvement of State agents in the conduct of pushbacks. ECtHR, *A.R.E. v. Greece*, no. 15783/21, §§226-229, 7 January 2025.

³⁴⁶ AIDA: ‘Country Report on Greece – Update 2023,’ June 2024, pp. 36-39, 118, 193, available [here](#).

⇒ **High rate of case archival creating a sphere of impunity:** Between 2020 and 2024, out of 79 investigated pushback cases, 48 were archived, and none resulted in criminal charges against Greek Police officers. Similarly, of 125 cases investigated against the HCG since 2019, 106 were archived, and no criminal or disciplinary proceedings were initiated. This systemic failure to investigate these cases or to file charges following a rare investigation contributes to the ongoing policy of denial and creates a sphere of impunity.

⇒ **Ineffective non-judicial remedies:** While Greece offers non-judicial complaint mechanisms—such as the NTA and the Greek Ombudsperson—these avenues fail to meet the standards of an effective remedy under the ECHR, making them inadequate for sufficiently addressing allegations of border violence and racist attacks.

VII. Conclusion

The starting point for this expert opinion comprises five decisions issued by SEM requiring the return of international protection applicants to Greece under the Dublin III Regulation. These decisions were based on ‘individual assurances’ provided by the Greek National Dublin Unit (⇒ II.2.a). These so-called ‘individual assurances’ provided by Greece—with respect to both access to the asylum procedure and reception conditions—can be considered *neither individual nor reliable*. Rather, these ‘assurances’ only amount to a generic pledge to uphold the obligations under the Procedures Directive and the Reception Conditions Directive without providing any specific guarantees tailored to the individual cases. In summary, these ‘assurances’ do not provide effective protection from treatment contrary to Article 3 of the ECHR and Article 4 of the EU Charter for Dublin returnees in Greece for the following reasons:

⇒ The Greek National Dublin Unit simply guarantees that the applicants would be *informed* of the asylum procedure, but does not confirm their *access* to said procedure.

⇒ Dublin returnees are not protected by any additional and specific safeguards. They are subjected to the same dysfunctional asylum system as any other applicant for international protection in Greece. Systemic obstacles in accessing the asylum procedure, delayed registration, general periods of extended waiting, and the deplorable reception conditions, therefore, also apply to and affect Dublin returnees.

⇒ Dublin returnees face the risk of the discontinuation of their asylum procedure based on the assumption of an implicit withdrawal of the application for protection on account of having previously left Greece without permission from the Greek asylum authorities.

⇒ Despite legal obligations under EU and international law, Greece has consistently failed to reliably provide humane and dignified living conditions for asylum seekers including Dublin returnees. Accommodation facilities are often isolated, fortified, and heavily surveilled, exacerbating feelings of imprisonment and obstructing access to essential services. Asylum seekers generally are housed in poorly maintained facilities, often in containers, tents, or big rubhalls with inadequate infrastructure, lack of privacy, no temperature controls, and severe sanitation issues. These undignified living conditions are further exacerbated by overcrowding.

⇒ Health care services remain critically understaffed and undersupplied. Based on official government data from June 2024, in 13 of the 32 camps, there was no doctor. Across all camps, there is one publicly employed doctor per 635 residents, and one such nurse per 200 persons. The failure to provide for sufficient interpretation services creates further challenges for applicants to access even basic health care. Overall,

the services provided in Greece fall short of the authorities' legal obligation to safeguard the physical and mental well-being of applicants for international protection including Dublin returnees.

⇒ While registering their claims, asylum applicants are routinely deprived of their liberty, at times even exceeding the 25-day legal maximum, constituting unlawful *de facto* detention. Beyond this, applicants are subjected to further restrictions on their freedom of movement by exit and entry regimes, and, if on a Greek island, through the imposition of 'geographical restrictions' confining each applicant to a designated island.

⇒ Greek authorities have made administrative detention a routine practice against people on the move, disregarding the legal principle that detention should be a last resort. Furthermore, detention facilities in Greece consistently fail to uphold basic human rights standards. These facilities are widely reported to have unsanitary conditions, vermin infestations, inadequate and deteriorating infrastructure, lack of medical care, and severe staff shortages. Testimonies of former detainees reveal instances of physical and psychological abuse, racist insults, and violence by state authorities.

⇒ Last but not least, Dublin returnees remain at risk of racist violence, irregular border maintenance operations, and refoulement without having meaningful access to legal remedies or recourse.

Contrary to the aforementioned 'assurances,' the evidence and key findings presented in this expert opinion underscore the prevailing significant and systemic deficiencies in Greece's asylum reception system, which pose severe risks to the fundamental rights of Dublin returnees. Civil society organisations have expressed their grave concerns that the changes made in the Greek asylum system since *M.S.S. v. Greece*—such as the implementation of new registration systems alongside the fortification of the camps across the country—are "less about fair and efficient access to the asylum procedure and more about containment and control."³⁴⁷

In light of the overwhelming evidence of systemic failures in Greece's asylum system discussed herein, there are substantial grounds to conclude that a Dublin returnee—despite Greece's 'assurances' to the contrary—would face a real risk of being subjected to inhuman or degrading treatment in violation of both Article 3 of the ECHR and Article 4 of the EU Charter. As such, returning individuals to Greece under the Dublin III Regulation remains unjustifiable. It is therefore imperative that Member States uphold the fundamental rights of applicants for international protection, and ensure their access to an asylum procedure, by refraining from returning persons to Greece under the Dublin III Regulation.

³⁴⁷ MIT: 'Press Release: Response to Recent Changes to Asylum Registration,' 29 November 2021, available [here](#).