

ECRE COUNTRY REPORT 2002: GREECE

ARRIVALS

1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years:

Table 1:

Month	2001	2002	Variation +/- (%)
January	121	589	+386.8
February	106	435	+310.4
March	241	508	+110.8
April	92	133	+44.6
May	171	192	+12.3
June	431	426	-1.2
July	519	555	+6.9
August	618	708	+14.6
September	607	589	-3.0
October	426	444	+4.2
November	544	616	+13.2
December	1,623	469	-71.1
TOTAL	5,499	5,664	+3.0

Source: Ministry of Public Order.

Comments: There has been a significant increase in the number of asylum applications submitted since June 2001, which can be partially explained by an increase in staff at the asylum section of the Athens Aliens Police Department. This has permitted the registering and processing of three to four times as many asylum applications per week as during the previous period of understaffing. The Athens Aliens Police Department has traditionally been required to deal with large numbers of asylum seekers, since persons that do not submit their asylum claims in the parts of Greece where they entered tend to gravitate towards the Athens area. As far as the extremely high number of applications in December 2001 is concerned, the main reason was the arrival of a boat containing more than 700 persons in the island of Zakynthos, whose asylum applications were registered in December 2001.

Please note that all figures in this chapter refer to persons, not cases.

2. Breakdown according to the country of origin/nationality, with percentage variation:

Table 2:

Country of origin	2001	2002	Variation +/- (%)
Iraq	1,972	2,567	+30.2
Afghanistan	1,459	1,238	-15.1
Iran	217	411	+89.4
Pakistan	252	250	-0.8
Turkey	800	211	-73.6
Nigeria	33	184	+457.6
India	41	84	+104.9
Sierra Leone	163	70	-57.1
Somalia	14	69	+392.9
DR Congo	32	65	+103.1
<i>Stateless Palestinians</i>	38	60	+57.9
Sudan	45	58	+28.9

<i>Others</i>	433	397	-8.3
TOTAL	5,499	5,664	+3.0

Source: Ministry of Public Order.

Comments: Iraqis and Afghans still make up around two-thirds of the total number of asylum seekers. After having reached a peak in 2001, the number of asylum seekers from Afghanistan decreased by 15.1% in 2002. As far as Nigerian asylum seekers are concerned, the variation in their numbers could be to some extent associated with the above-mentioned increase in the number of asylum applications registered by the Athens Aliens Police Department, since most of the Nigerian asylum seekers tend to submit their applications in the broader Athens region. The decrease in the number of asylum seekers from Turkey is due to the fact that most of the 700 passengers of the boat that arrived in Zakynthos in November 2001 were Turks, and most of them subsequently submitted asylum applications in December 2001. This brought the number of asylum seekers of Turkish origin registered solely in the month of December 2001 to 454.

3. Persons arriving under family reunification procedure: Figure unavailable (2001: 6).

According to the statistics of the Greek Council for Refugees (GCR), six refugees (not included under paragraphs 1 and 2 above) brought their families into Greece according to the requirements set by the Presidential Decree 61/99 in 2001. For the year 2002, statistics are not yet available.

4. Refugees arriving as part of a resettlement programme:

No refugees arrived in Greece as part of a resettlement programme in 2002.

5. Unaccompanied minors: 247 (2001: 118).

The figure of 247 is the number of unaccompanied minor asylum seekers arriving in Greece in 2002, according to statistics provided by the Ministry of Public Order. The figure of 118 refers to the cases of unaccompanied minor asylum seekers handled by the GCR in 2001 (no Ministry of Public Order figures were available for 2001, and the overall number of unaccompanied minor asylum seekers in Greece in 2001 should logically have been higher than 118).

RECOGNITION RATES

6. The statuses accorded as an absolute number and as a percentage of total decisions:

Table 3:

Status	2001		2002	
	Number	%	Number	%
No status awarded	1,165	75.4	9,278	98.4
Convention status	147	9.5	36	0.4
Humanitarian status accorded	148	9.6	64	0.7
Humanitarian status renewed	85	5.5	47	0.5
TOTAL	1,545	100	9,425	100

Source: Ministry of Public Order.

Comments: No separate statistics are available for the statuses accorded after first instance and second instance (appeal) decisions. All figures concern both first and second instance decisions. The number of first instance decisions awarding Convention or humanitarian status is extremely limited and, according to the Greek Council for Refugees, hardly exceeds four per year.

The number of decisions taken in 2002 was six times higher than in 2001, but this does not correspond to the increase in asylum applications, which has been significantly lower both between the years 2000-2001 and the years 2001-2002. The reason for the increase in the number of decisions issued is

that during 2002 the competent authorities have been able to speed up the examination of asylum applications in the first instance, and to process asylum applications that had been pending for more than eighteen months in some cases, together with asylum applications submitted in 2002.

The average time taken for the issue of a first instance decision when the normal procedure, rather than the 'accelerated' one, is followed, is no longer than four or five months after the asylum application is submitted, whereas it was between fifteen and eighteen months before 2002. Most of the decisions issued in 2002 *not* awarding any status are *first instance negative decisions* (the rest are second instance negative decisions), and most of the decisions awarding a status are *second instance decisions* issued after the asylum seekers lodged an appeal against the initial decision. Unfortunately, as already mentioned, there are no separate statistics available for first and second instance decisions, and for this reason it seems that the figures provided, even if they may be confirmed in the future, do not reflect accurately the situation for each separate year. For example, an asylum seeker whose application is rejected in the first instance in 2002 would be counted as a 'no status awarded' case for the year 2002. However, were he to lodge an appeal against the first instance decision, he might be awarded a status in year 2003 or 2004. Therefore, one should keep in mind that many of the applications rejected in 2002 and counted as 'no status awarded' cases were still, by the end of 2002, pending at second instance.

7. Refugee recognition rates (1951 Convention: as an absolute number and as a percentage of total decisions) according to country of origin:

Table 4:

Country of origin	2001		2002	
	Number	%	Number	%
FRY	-	-	4	23.5
Russian Federation	-	-	4	7.8
Morocco	-	-	1	5.3
<i>Stateless Palestinians</i>	-	-	5	5.3
Sri Lanka	6	23.1	1	5.0
DR Congo	1	16.7	2	3.1
Bangladesh	5	21.7	1	2.8
Sudan	6	25.0	1	1.6
Nigeria	-	-	1	0.8
Sierra Leone	-	-	1	0.5
Iran	13	18.1	2	0.4
Turkey	48	27.3	3	0.3
Iraq	46	10.2	9	0.2
Afghanistan	17	8.3	1	0.04
<i>Others</i>	5	-	-	-
TOTAL	147	9.5	36	0.4

Source: Ministry of Public Order.

Comments: See comments below table 3 concerning the absence of separate statistics for first and second instance decisions.

RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

8. Persons returned on safe third country grounds:

There is no procedure involving 'return' of asylum seekers on safe third country grounds. Once submitted, all asylum applications are examined by the Greek authorities on their merits, whether or not the asylum seeker has travelled through a third country which is considered to be safe. However, in

cases where the asylum seeker has travelled through a safe third country, his application may be rejected on these grounds, and an accelerated procedure for the substantive examination of such an application can be followed. There is no information available on the exact number of applications rejected on third safe country grounds.

9. Persons returned on safe country of origin grounds:

There is no procedure involving 'return' of asylum seekers on safe country of origin grounds, nor are countries of origin categorised as being safe or otherwise. Once submitted, the Greek authorities substantively examine all asylum applications, and no application would be declared inadmissible for having been submitted by an asylum seeker coming from a supposedly 'safe' country of origin. However, in cases where the asylum seeker comes from a safe country of origin, the application may be rejected on these grounds, and an accelerated procedure for the substantive examination of such an application can be followed. There is no information available on the exact number of applications rejected on safe country of origin grounds.

10. Number of applications determined inadmissible:

Greek legislation does not include an inadmissibility clause. All applications are substantively examined.

11. Number of asylum seekers denied entry to the territory:

According to Greek legislation, asylum applications submitted at a port of entry, before they enter Greek territory, will be examined under the accelerated procedure. Pending the examination of their application, asylum seekers are held in the waiting zone (or transit zone) of the seaport or airport. However, if the substantive examination of their application is not completed within fifteen days, Greek legislation (Article 25 of Act 1975/1991 as amended by Act 2452/1996 and Article 4 of the Presidential Decree 61/99) provides that leave to enter Greek territory must be accorded to the asylum seeker. This is the only possible instance of refusal to enter the territory, and when the application is not rejected at the final instance within fifteen days this refusal is only temporary. There are no statistics available for the number of asylum seekers denied entry to Greek territory in this way.

12. Number of asylum seekers detained, the maximum length of and grounds for detention:

Figures unavailable. When an asylum seeker is arrested after entering the country illegally, and if no charges for illegal entry are brought against him by the Public Prosecutor, an administrative deportation order will immediately be issued by the police authorities (in most cases before the application for asylum). This deportation order ordinarily results in an administrative detention order for a maximum period of three months (according to Article 44 of Act 2910/2001), to ensure that the deportation takes place. If the alien submits an asylum application while in detention, his deportation will be suspended until a final decision on his claim is reached. In most cases this final decision will not be issued within the period of three months, at the end of which the asylum seeker must be released.

If an alien is detained after a court (rather than the police authorities) orders his deportation, which is possible if he or she is sentenced for illegal entry or any other penal offence (Articles 74 and 99 of the Penal Code), then there is no precise time limit to the detention. If he submits an asylum application after his sentence, his deportation will be suspended pending examination of this claim and, if awarded Convention status, his deportation will of course be cancelled. When the court deportation order cannot be executed in due time for reasons relating to international embargo, violations of Article 3 of the European Convention on Human Rights and/or Article 3 of the UN Convention Against Torture, or other material obstacles to the deportation, an appeal ('objection') against the deportation order can be submitted before the competent judicial authority. Furthermore, Ministerial Decision No. 137954/16-

10-2000 provides that the initiative for the detainee's release should be taken by the Public Prosecutor in all cases where deportation ordered by a court cannot take place.

13. Deportations of rejected asylum seekers: Figures unavailable.

14. Details of assisted return programmes, and numbers of those returned:

Following the collapse of the Taliban regime in Afghanistan, a voluntary return programme for highly-qualified asylum seekers of Afghan origin was proposed by the IOM and UNHCR. This programme never began since there followed neither a response nor contribution from the Greek authorities.

15. Dublin Convention practice comments:

The examination of an asylum application includes an assessment as to whether the Dublin Convention should be applied. Verification of the applicability or otherwise of the Convention clauses takes place throughout the examination procedure and, in particular, during the interview with the competent police authorities. During this procedure, the police authorities complete a special document on the relevance of the Dublin Convention that is dispatched to the Ministry of Public Order, which corresponds in turn with the authorities of other Member States if there are grounds to believe that the Convention clauses should apply.

The competent authority for the handling of claims or requests to take over or take back an asylum applicant is the Asylum Section-Dublin Unit of the Aliens Division of the Ministry of Public Order, also responsible for the transfer of applicants to the competent country. The asylum seeker in question is provided with a '*laissez passer*' and returned to the relevant Member State. It must be noted that, due to delays in the family reunification procedure under the terms of the Convention, there have been a number of cases where people move illegally to other Convention countries in order to join their families.

15.1 Dublin Convention practice:

Table 5:

Requests addressed to Greece by other Dublin States in 2002				
	First Quarter	Second Quarter	Third Quarter	Final Quarter
	(1/1 - 31/3)	(1/4 - 30/6)	(1/7 - 30/9)	(1/10 - 31/12)
Requests presented	262	205	137	214
of which examined	36	95	67	114
of which accepted	30	61	47	82
of which rejected	6	34	20	32
of which left pending	222	110	70	100

Source: Ministry of Public Order.

Comments: The Ministry of Public Order does not provide official comprehensive figures for the entire year, but rather communicates figures for each distinct quarterly period. A problem with statistical rigour arises upon recognition that the Ministry does not refer back to requests left unaddressed (pending) from an earlier quarter. Consequently, it is not possible to determine the outcome of a request if the examination is not completed in the same quarter as the request was made. Hence, official figures for the requests accepted or refused by Greece concern only those that were examined *in the same quarter as they were addressed to the Greek authorities*.

Table 6:

	Total number of requests presented by Greece to other Dublin States	Total number of requests addressed to Greece by other Dublin States
Requests presented	17	818
<i>Requests examined</i>	16	312
% requests presented in total number of applications	0.3	14.4
Requests accepted	6	220
% requests accepted of those examined (in same period)	37.5	70.5
Requests refused	9	92
% requests refused of those examined (in same period)	56.3	29.5
Requests pending	1	502
Requests under Article 9	-	-

Source: Ministry of Public Order.

Comments: Greece receives a significant number of requests from other countries, but presents very few to others. This is explained by the geographical position of Greece, since many asylum seekers from countries in Asia first enter Greece before travelling to other EU countries where they submit asylum claims. It has also been observed throughout 2002 that many people from former Soviet republics (mainly Uzbekistan and Belarus) have applied for asylum in other EU countries bearing passports with visas issued from Greek consulates in the former Soviet republics. In such circumstances Greece accepted the requests addressed concerning these asylum seekers, and they were subsequently transferred to Greece.

15.2 Requests by country:

Table 7:

Country	Number of requests presented by Greece to other Dublin states	Number of requests addressed to Greece by other Dublin states
Austria	-	38
Belgium	-	27
Denmark	-	21
Finland	-	8
France	-	28
Germany	12	197
<i>Iceland</i>	-	2
Ireland	-	1
Italy	1	30
Luxembourg	-	1
Netherlands	2	68
<i>Norway</i>	-	154
Portugal	-	2
Spain	-	4
Sweden	-	221
United Kingdom	2	16

Source: Ministry of Public Order.

Comments: *Italics* refer to non-EU countries.

SPECIFIC REFUGEE GROUPS

16. Developments regarding refugee groups of particular concern:

The last attribution of Convention status to an Afghan asylum seeker took place in April 2002, although all asylum applications submitted by Afghans are normally processed and substantively examined.

As far as Iraqis are concerned, following the outbreak of war in March 2003, the Ministry of Public Order announced that second instance examination of asylum applications submitted by Iraqi nationals would be suspended until the situation in Iraq is somehow clarified. However, twenty-eight Iraqis who had submitted asylum applications before the outbreak of war in Iraq were not awarded any status by second instance decisions dated 10 April 2003.

Since the beginning of 2002 the Greek authorities, applying the cessation clause of the Geneva Convention, have withdrawn the refugee status of some Albanian refugees who had fled persecution by the former communist regime and been living in Greece for the past ten years.

LEGAL AND PROCEDURAL DEVELOPMENTS

17. New legislation passed:

There was no new legislation on asylum issues passed in Greece in 2002. Act 2910/2001, the comprehensive Aliens Act passed in 2001, was amended by Act 3013/2002, but the modifications introduced are mostly procedural and of minor importance. Act 3068/2002 introduced a change in the competence of the Supreme Administrative Court, the Council of State, which is no longer competent for reviewing and annulling individual administrative decisions issued according to the aliens legislation (for instance deportation orders, or refusal of issuance of a residence permit). This competence was transferred to the first instance administrative courts. The Council of State is however still competent for the review of decisions rejecting asylum applications at final instance.

18. Changes in refugee determination procedure, appeal or deportation procedures:

According to Presidential Decree 61/99, if the first instance decision on the asylum application is negative and the asylum seeker lodges an appeal against this decision, the second (and final) instance decision is taken after a recommendation by the Appeals Board Committee. This six-member body comprises the legal counsellor of the Ministry of Public Order, acting as Chairman; a legal counsellor of the Ministry of Foreign Affairs; a high-level official of the diplomatic corps; a high-level officer of the Police – all four appointed by their respective Ministries – as well as a representative of the Athens Bar Association and the Legal Protection Officer, or another representative of the UNHCR office in Greece. The appellant is notified of the date of the session by the Appeals Board Committee, and is informed of his or her right to attend the hearing and to give oral explanations with the assistance of an interpreter. In practice, appellants are very often assisted by lawyers from the Greek Council of Refugees throughout the appeal procedure, including at the hearing of the Appeals Board Committee. Although the Appeals Board is a consultative committee, its recommendations are usually followed. *However, since the last months of 2001 a significant change was noticed, and in spite of positive recommendations issued by the Appeals Board the second instance decision was in many cases negative.*

19. Important case-law relating to the qualification for refugee status and other forms of protection:

A very important decision issued in 2002 was decision 52890/2002 of the second 'flagrante delicto' three-member first instance penal court of Athens. A Turkish citizen of Kurdish origin, Mr X, was arrested for illegal entry in the north of Greece. He was sentenced to twenty-five days of prison, and the Court ordered his deportation to Turkey. A few days after his arrest, while in detention pending

deportation, Mr X submitted an asylum application, claiming that he had suffered persecution in Turkey for political reasons; but remained in detention, since his asylum application only suspended his deportation. During the examination of his application, he claimed to have been subjected to torture by the Turkish authorities. He was then transferred to the Medical Centre for the Rehabilitation of Victims of Torture in Athens, and the doctors that examined him certified that he had indeed suffered torture. Despite this the Minister of Public Order rejected his asylum application in April 2002, although the recommendation of the Appeals Board (see paragraph 18 above) was positive by three votes to one. By the same decision rejecting Mr X's asylum application, the Minister ordered that his deportation be carried out. Mr X lodged an appeal for annulment against the Minister's negative decision in front of the Supreme Court, but this appeal had no suspensive effect on the deportation.

Since Mr X's deportation was ordered by a court of law and there were no objective obstacles to it (for instance an international embargo), Mr X had to wait in detention until the completion of the deportation procedure. However, GCR's Legal Assistance Unit lodged an appeal ('objection', under Article 565 of the Code of Criminal Procedure) against the Court decision, demanding the cancellation of the deportation order. The legal argument was that the execution of the deportation order was legally unfounded, as since it was medically attested that Mr X had suffered torture in Turkey, if the Greek authorities deported Mr X they would have breached Greece's international obligations, notably Article 3 of the European Convention on Human Rights and Article 3 of the UN Convention Against Torture.

The Court, after pointing out that the Minister's decision could be cancelled by the Supreme Court in view of the elements of the file and the positive recommendation of the Appeals Board, decided that the execution of the deportation order had to be suspended because the Court was convinced that if Mr X was returned to Turkey he would become the subject of ill-treatment for political reasons.

The procedure of the 'objection' against the execution of the deportation is usually followed in order to cancel deportation orders issued by Courts against aliens who, pending the execution of their deportation, are awarded Convention status. The great innovation of this judgement is that the Court suspended the deportation ordered by another Court while the deportation was materially and objectively possible and *was issued against an alien whose asylum application had been rejected in final instance*. The Court did not consider that the decision of the Minister regarding deportation was unquestionable, made its own qualification of the situation of Mr X, and decided that there were enough elements to lead to the conclusion that the deportation of Mr X would expose him to danger. There is no doubt that the reasoning of this decision should be approved and followed in other similar cases.

20. Developments in the use of the exclusion clauses of the Refugee Convention in the context of the national security debate:

There were no developments in the use of the exclusion clauses in 2002. Rejecting applications by using the exclusion clauses of the Refugee Convention is still extremely rare.

21. Developments regarding readmission and cooperation agreements:

A readmission agreement between Greece and Turkey was approved by the Greek Parliament on 20 June 2002, and by the end of October implementation of the agreement had already commenced. Some aliens (no precise figures are available yet) entering Greece illegally from Turkey were returned in line with the provisions of the agreement. Although asylum seekers with pending asylum applications cannot be returned to Turkey, serious concerns have been raised with regard to the guarantee of access for potential asylum seekers to the asylum procedure. Official data or information is not available regarding the implementation of the agreement, yet it seems that the Turkish authorities are very reluctant to accept Greece's requests for readmission, especially those concerning Iraqis or Afghans.

THE SOCIAL DIMENSION

22. Changes in the reception system:

A new reception centre was established in Pikermi, north-east Athens, by Presidential Decree 366/2002. This centre is primarily hosting newly-arriving unaccompanied minors and women, has a capacity of forty, and is run by the Greek Council for Refugees.

23. Changes in the social welfare policy relevant to refugees:

There were no significant changes in social welfare policy in 2002.

24. Changes in policy relating to refugee integration:

Integration of refugees continues as in previous years. However, after the adoption of Act 2910/2001, refugees applying for Greek citizenship must pay a fee of €1,468 per person. Despite the efforts and lobbying attempted by GCR to abrogate this disposition, it is still valid. Therefore, a four-member family of refugees who wish to apply for Greek citizenship would still have to pay a total of €5,872. This obligation constitutes an important obstacle to the final and complete integration of refugees.

Since December 2002 a programme funded by the European Social Fund through the Greek Ministry of Labour, called 'New Beginning', has been in place. The scope of this programme is to provide asylum seekers and refugees with lessons in the Greek language, as well as training seminars in various fields in order to facilitate their integration into the labour market and society. GCR participated in the implementation of this programme by offering logistic, social and legal support to the participants.

25. Changes in family reunion policy:

There were no major changes in family reunion policy in 2002. However, the Greek authorities refuse to issue travel documents to family members of refugees arriving in Greece under the provisions for family reunion. According to the interpretation of Greek law followed by the Ministry of Public Order, these persons are not refugees but simply '*assimilated to*' refugees, and are thus not entitled to the travel document that the Geneva Convention provides for. GCR believes that this interpretation is too restrictive, and efforts are being made to change the authorities' policy on that issue.

OTHER POLICY DEVELOPMENTS

26. Developments in resettlement policy:

There were no developments in resettlement policy in 2002. A resettlement programme is no longer run in Greece through UNHCR, yet resettlements are still attempted on an individual case basis.

27. Developments in return policy:

There were no significant developments in return policy in 2002.

28. Developments in border control measures:

In 2002, the Greek government announced its will to strengthen border control measures, and established a new series of 'Border Guard Police Stations'. The purpose of these instalments is to prevent illegal immigration.

29. Other developments in refugee policy:

Since April 2002, no asylum seeker from Afghanistan has been awarded Convention status. The overall refugee recognition rate has dropped from 9.5% in 2001 to 0.3% in 2002, raising serious concerns.

Another development that raises concern is the refusal of the authorities to renew the residence permits awarded for humanitarian reasons (the 'humanitarian status'). In 2002 this refusal occurred even in the cases of Iraqis, for whom the return to Iraq was (and remains) objectively impossible. Furthermore, after the adoption of Act 2910/2001 there are two dispositions in Greek legislation that provide residence permits for humanitarian reasons. Firstly, Article 8 of Presidential Decree 61/99 concerns rejected asylum seekers for whom the humanitarian residence permit is issued by the Ministry of Public Order, and second, Article 37 of Act 2910/2001 concerns aliens who left their countries for reasons of 'force majeure' or who cannot return for humanitarian reasons, for whom the humanitarian residence permit is issued by a common decision of the Ministry of Internal Affairs and the Ministry of Labour. This parallel competence resulted in a problematic situation for rejected asylum seekers who were given residence permits for humanitarian reasons during previous years, since the Ministry of Public Order tends to refuse their renewal and suggests that they should apply to the Ministry of Interior for a humanitarian residence permit under act 2910/2001, while the Ministry of Interior considers that they should not process applications of rejected asylum seekers since Article 8 of the Presidential Decree is still in force. This situation is not resolved, and there remains a gap in the implementation of current legislation.

POLITICAL CONTEXT**30. Government in power during 2002:**

The ruling Pan-Hellenic Socialist Movement (PASOK) remains in power after the general elections of April 2000.

31. Governmental policy vis-à-vis EU developments:

Greece follows the general policy of the European Union regarding asylum and immigration issues, especially where border control and management of illegal immigration are concerned. Both the Prime Minister and the Minister of Public Order have repeatedly and publicly expressed their will to limit illegal immigration.

32. Asylum in the national political agenda:

The Greek government has affirmed its will to prevent illegal immigration in Greece, and does not seem concerned that the measures taken to strengthen border control measures may affect the entry to and protection of asylum seekers in Greece.

During the Iraq war in March 2003 the Prime Minister, Mr. Costas Simitis, announced that Greece would not accept refugees from Iraq.