

The Greek asylum procedure in figures in 2022

Analysis of main trends in refugee protection

Key figures

Asylum applications

- ❖ Following the new registration procedure in mainland RIC, 13,230 pre-registrations of asylum claims were conducted by the RIS, 11,576 by the Police and 1,825 by the Asylum Service.
- ❖ The online platform for registration appointments on the mainland has granted 49,337 appointments at the RIC of Malakasa and Diavata.
- ❖ 37,362 asylum seekers lodged applications. Despite an increase in registrations on the Eastern Aegean islands (11,496), most were registered in Attica again (13,329).
- ❖ 8,265 subsequent applications were lodged, i.e. almost 25% of total cases. 1,187 of those were subject to a 100 € fee per person.

First instance procedure at the Asylum Service

- ❖ The in-merit recognition rate at first instance rose to 62.3%, almost exclusively consisting of refugee status.
- ❖ Most negative first instance decision concerned manifest unfoundedness (8,323), mainly in relation to the national list of "safe countries of origin".
- ❖ The Asylum Service dismissed 3,601 applications as inadmissible on "safe third country" grounds and 4,144 as inadmissible subsequent claims.
- ❖ As for the border procedure, 2,286 decisions were issued and only seven cases were exempted. The recognition rate reached 86.6%.
- ❖ Of 17,249 pending cases at first instance, 4,134 were pending for over a year, while in 8,407 the personal interview had not been conducted. Most pending cases concern Syria and Afghanistan.

Second instance procedure at the Appeals Committees

- ❖ 16,830 appeals were lodged. Only 7,925 of those benefitted from free legal assistance by the Registry of Lawyers of the Asylum Service.
- ❖ 1,818 appeals were dismissed for want of in-person appearance or submission of a residence certificate and 1,096 for late submission, with no examination.
- ❖ 494 appeals were examined by oral hearing at the Appeals Committees.
- ❖ The in-merit recognition rate rose to 11.8%. Appeals Committees made wider use of subsidiary protection than the Asylum Service, especially for Afghanistan cases.
- ❖ Appeals Committees dismissed 2,747 applications inadmissible on "safe third country" grounds and 2,089 as inadmissible subsequent claims.

Judicial review at the administrative courts

- ❖ The approval rate of judicial review applications at the administrative courts rose to 20%, with 57 granted applications and 230 rejections.
- ❖ 2,050 judicial review applications are pending at the administrative courts.

Introduction: a need for constant improvement of statistical practice

Full and transparent publication of asylum statistics has been a core demand of MPs and civil society in Greece from the re-establishment of the Ministry of Migration and Asylum to present.¹ Requests to the government for data – which have been appropriately responded to in a timely manner – continue to contribute to notable improvements in the quality of the Ministry’s monthly statistical reports and to highlight the elements necessary for an evidence-based debate on refugee protection.

Asylum procedure at first and second instance

The detailed presentation of first and second instance asylum decisions by type and by month from October 2022 monthly reports onwards is a notable positive development in the statistical practice of the Ministry of Migration and Asylum. Such disaggregation allows for analysis and an in-depth understanding of the workings of the asylum process in Greece, not least in distinguishing unfounded and manifestly unfounded applications and in unpacking the various inadmissibility grounds set out in law. In this regard, Refugee Support Aegean (RSA) reiterates that recognition rates in the asylum procedure should be accurately depicted and should not conflate in-merit decisions for applicants not qualifying for international protection with inadmissibility decisions for reasons such as “safe third country” or subsequent claims with no new substantial elements, which have no bearing on the criteria for international protection.

We further note that monthly reports of the Ministry do not disaggregate first and second instance decisions by country of origin. However, detailed figures by country and type of decisions have been secured through parliamentary questions. It is crucial for such data to be incorporated into the statistical practice and regular reports of the Ministry.

In addition, monthly reports do not contain statistics on the workings of the border procedure under Article 95 of the Asylum Code. These have also been requested and obtained through parliamentary questions. The inclusion of such data in the reports would enable thorough analysis of the procedure and comparison of border and regular procedures, particularly in light of ongoing EU-level negotiations on wider use of these procedures under the Asylum Procedures Regulation.

¹ See in particular Hellenic Parliament, Written question by KINAL, 2277, 14 February 2023, available at: <https://bit.ly/3ToLQsE>; Written question by KINAL, 6409, 13 July 2022, available at: <https://bit.ly/3n1OEQq>; Written question by KINAL, 2608, 24 January 2022, available at: <https://bit.ly/3JllmDy>; Written question by KINAL, 7706, 1 July 2021, available at: <https://bit.ly/3Fz9g95>; RSA, *The Greek asylum procedure in figures: most asylum seekers continue to qualify for international protection in 2021*, 10 March 2022, available at: <https://bit.ly/42nb6n0>; ‘Asylum statistics for 2020: A need for regular and transparent official information’, 12 February 2021, available at: <https://bit.ly/3TozS2d>; ‘Asylum statistics for 2020 should be published and unpacked’, 15 July 2020, available at: <https://bit.ly/3JrPD3F>.

Other relevant elements of the asylum process left out of monthly reports but published via parliamentary scrutiny include pre-registrations of asylum applications by competent authority (Asylum Service, RIS, Hellenic Police), free legal assistance in the second instance procedure before the Appeals Committees and oral hearings at the Committees; the latter required by Article 4(3) L 4375/2016.

Finally, RSA recalls its recommendations to the Greek government to align the data sets submitted to Eurostat and kept by the Ministry on the accelerated procedure and on withdrawals of international protection status.²

Judicial protection

An important improvement in the statistical practice of the government relates to the correct presentation of data on judicial review of asylum decisions in monthly reports issued from June 2022 onwards: administrative court decisions on judicial review are presented by date of decision, and negative decisions are distinguished from withdrawals, as recommended by RSA in early 2022.³

Judicial review data could be embellished with more detailed figures e.g. disaggregation by administrative court or country of origin of applicant.

In this policy note, RSA analyses key developments and trends in the Greek asylum procedure in 2022 based on the latest statistics made available through Ministry of Migration and Asylum monthly reports and parliamentary scrutiny.⁴

² RSA, *The Greek asylum procedure in figures: most asylum seekers continue to qualify for international protection in 2021*, 10 March 2022, 10.

³ *Ibid.*

⁴ Ministry of Migration and Asylum, Reply to parliamentary question by KINAL, 156079/2023, 16 March 2023, available at: <https://bit.ly/3Jly0y6>.

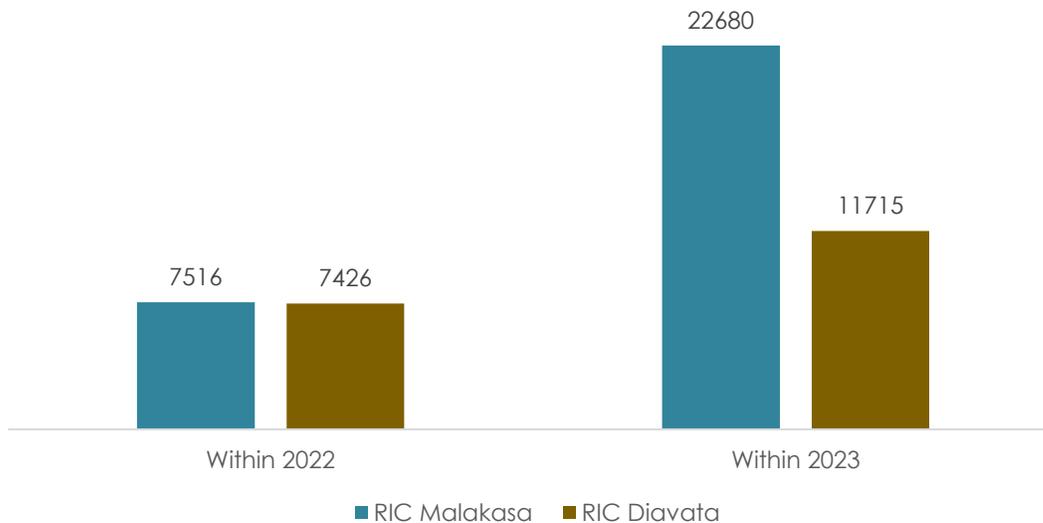
Registration of asylum applications

Access to the procedure

The launch of the new process of “uniform registration” of applications by the Reception and Identification Service (RIS) in mainland Greece since September 2022,⁵ coupled with the start of operations of the Reception and Identification Centres (RIC) of Malakasa and Diavata, has led to a drop in pre-registration of applications by Regional Asylum Offices (RAO) and Autonomous Asylum Units (AAU) of the Asylum Service. This is due to the fact that booking a registration appointment at the RIC of Malakasa and Diavata via the online platform of the Ministry of Migration and Asylum is now the sole means of access to the asylum procedure on the mainland.

From its launch on 13 July 2022 to 22 February 2023, the online platform has granted 49,337 registration appointments at the RIC of Diavata and Malakasa:

Ministry of Migration and Asylum online platform registration appointments



Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023

In 2022, the RIS carried out 13,230 pre-registrations of asylum applications, while 11,576 were conducted by the Hellenic Police and only 1,825 by the Asylum Service.

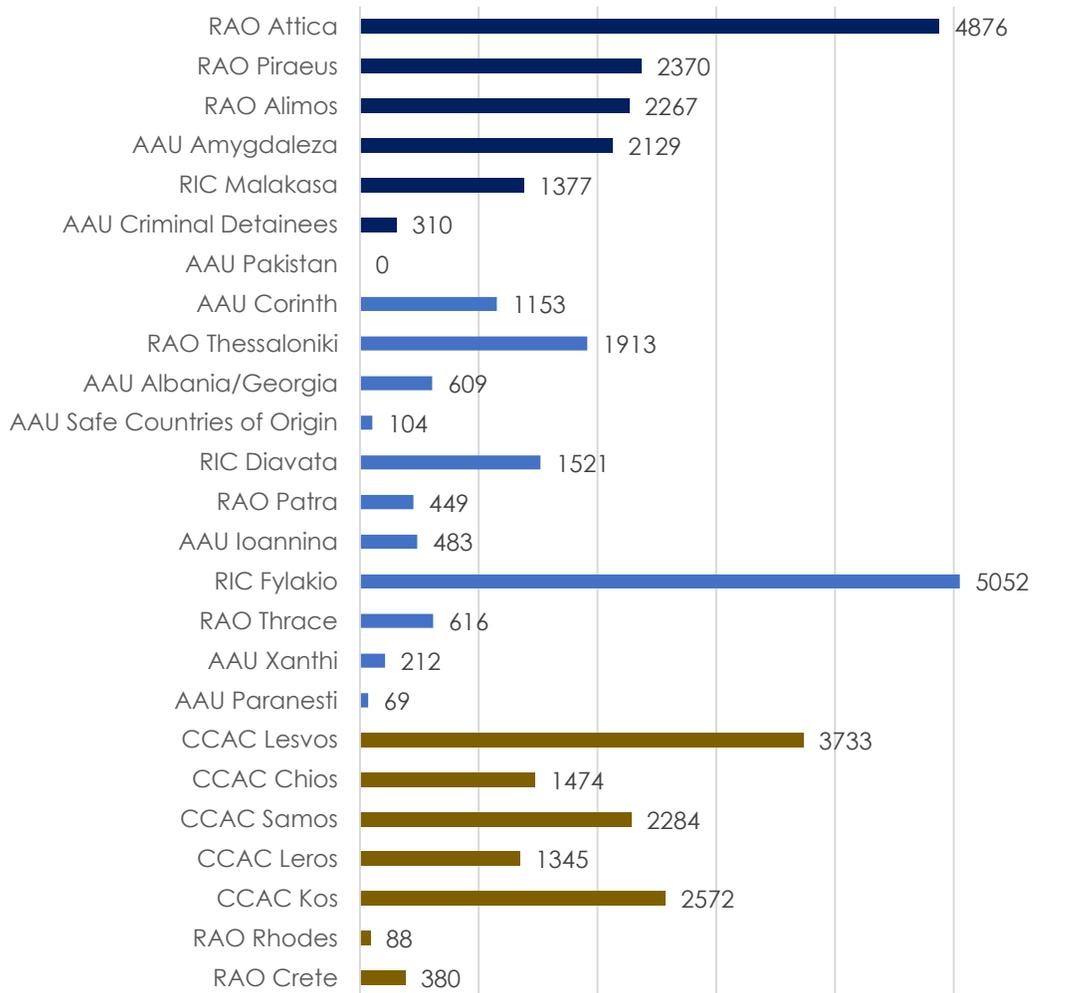
The Asylum Service and the RIS, as Responsible Authorities under Article 1(q) of the Asylum Code,⁶ lodged a total of 37,362 asylum applications in 2022. The number of

⁵ RSA, *Registration of asylum applications in the new mainland RIC in Greece*, February 2023, available at: <https://bit.ly/3YX9fCl>.

⁶ L 4939/2022.

applicants lodging claims was significantly higher than that of irregular arrivals (17,122) according to official figures.

Registration of asylum applications by location: 2022

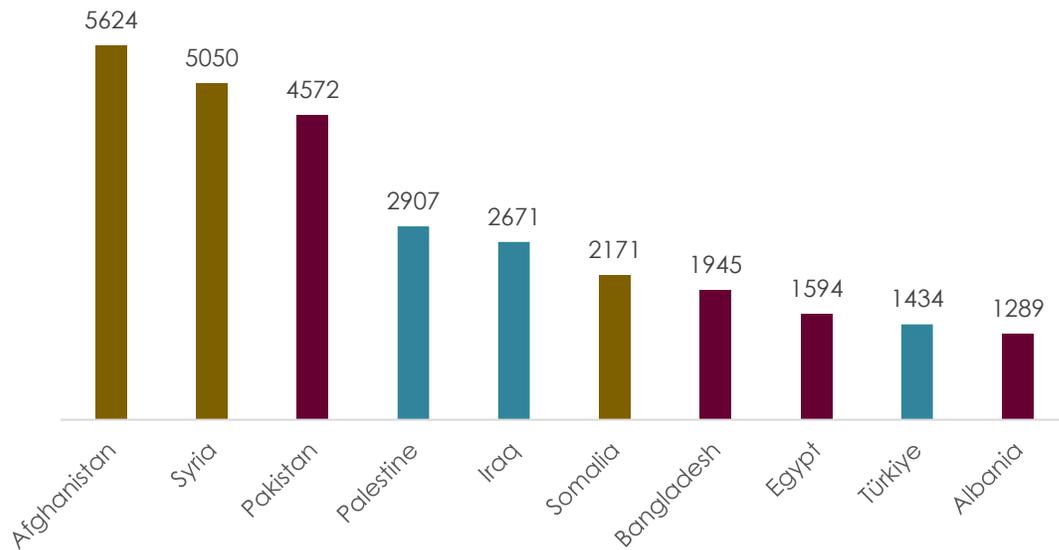


Source: Ministry of Migration and Asylum, Statistical Report, Jan-Dec 2022

Overall figures for 2022 indicate another increase in asylum seekers (31% of the total) registered on the Eastern Aegean islands (11,496), though the majority of applicants (36% of the total) were again registered in Attica (13,329) this year. The main registration points were the RIC of Fylakio, the RAO of Attica and the Closed Controlled Access Centre (CCAC) of Lesvos.

The main nationalities of asylum seekers lodging applications in 2022 were as follows:

Main nationalities of asylum applicants: 2022



Source: Ministry of Migration and Asylum, Statistical Report, Dec 2022

According to the figures, the main countries of origin of applicants include all nationalities for which Türkiye has been designated as a “safe third country” based on a national list (JMD 42799/2021), under a presumption of inadmissibility. Four nationalities fall under the national list of “safe countries of origin” (JMD 708368/2022) and thereby the accelerated procedure under a presumption of manifest unfoundedness. Nationals of Pakistan and Bangladesh fall within the scope of both lists.

Subsequent applications

A total of 8,265 subsequent asylum applications were lodged in 2022. This represents a steady increase from 5,802 in 2021 and 2,700 in 2020, as a result *inter alia* of the persistent, arbitrary application of the “safe third country” concept. Almost one out of four asylum claims was a subsequent application according to Ministry of Migration and Asylum figures.

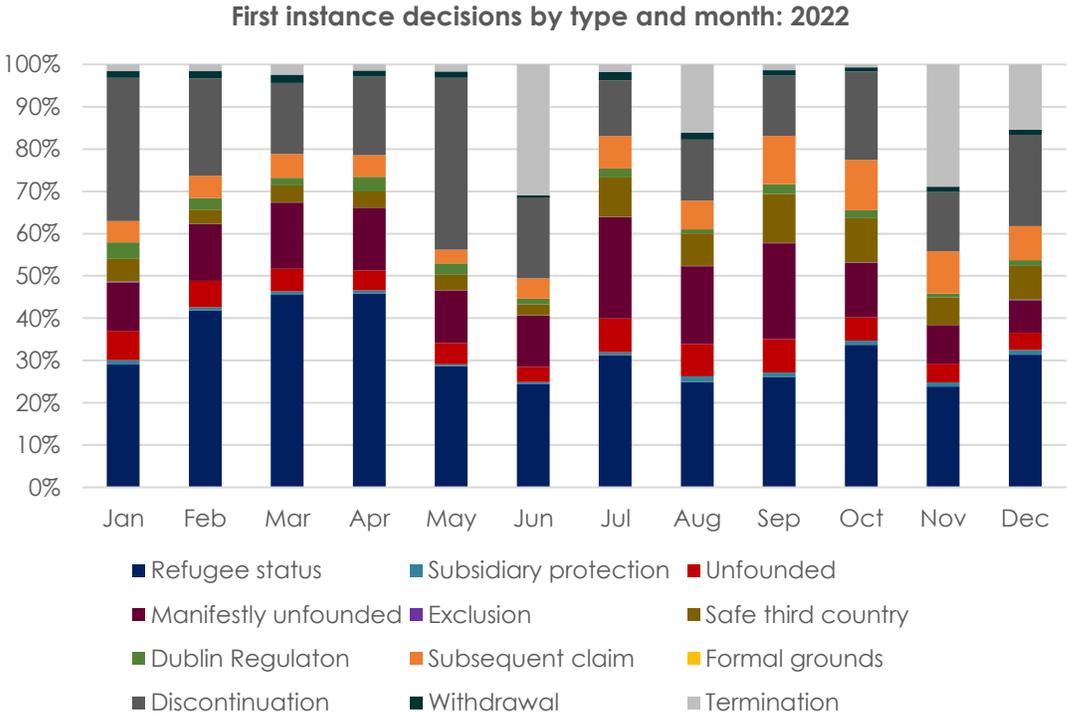
Out of 8,265 subsequent applications, 1,187 relate to second or onward subsequent asylum claims and are subject to a 100 € fee per person pursuant to Article 94(10) of the Asylum Code and JMD 472687/2021. Therefore, at least 118,700 € were paid to the Greek State for access to the asylum procedure in 2022 on the basis of said rule. Judicial review applications on the legality of the fee are pending before the Council of State and are expected to be heard in June 2023.

In its response to parliamentary questions, the Ministry points out that only 293 subsequent applications were lodged following rejection of the initial claim based on the “safe third country” concept and that only 25 of those were subject to the 100 € fee. However, figures submitted by Greece to Eurostat demonstrate that subsequent

applications were lodged by 1,545 Afghans, 770 Syrians and 185 Somalis, for whom Türkiye is designated as a “safe third country” in line with JMD 42799/2021.⁷ These figures cast doubt on the accuracy of data provided by the Ministry and on the exact number of subsequent claims linked to “safe third country”.

First instance procedure at the Asylum Service

According to Ministry of Migration and Asylum figures, the Asylum Service issued 59,593 first instance decisions in 2022. Of those, only 30,886 i.e. just over ½ were decisions on the merits of asylum claims:



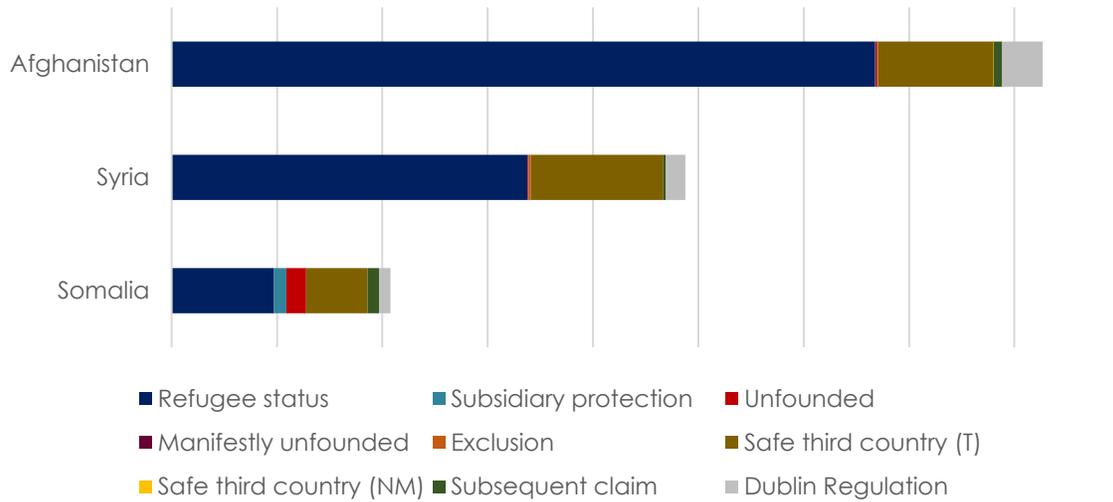
Source: Ministry of Migration and Asylum, Statistical Report, Dec 2022

Out of 30,886 in-merit decisions taken by the Asylum Service in 2022, 19,243 were positive and 11,643 were negative. The overwhelming majority of positive decisions (18,730) granted refugee status, while only 513 granted subsidiary protection.

An indicative comparison of first instance decisions on claims related to Afghanistan, Syria and Somalia is offered below:

⁷ Eurostat, migr_asyappctza.

Comparison of first instance decisions for three countries of origin: 2022



Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023

RSA reminds that recognition rates should not conflate in-merit rejections of cases that do not qualify for international protection with inadmissibility decisions which do not assess the criteria for granting international protection. In 2022, Greece had a first instance recognition rate of 62.3%, meaning that at least three in five applications processed on the merits were accepted. Yet, Ministry of Migration and Asylum reports incorrectly refer to a 49.8% recognition rate.

The impact of conflation of in-merit and inadmissibility decisions is evident in the recognition rates for the above countries of origin, for which Türkiye is designated as a “safe third country” per JMD 42799/2021:

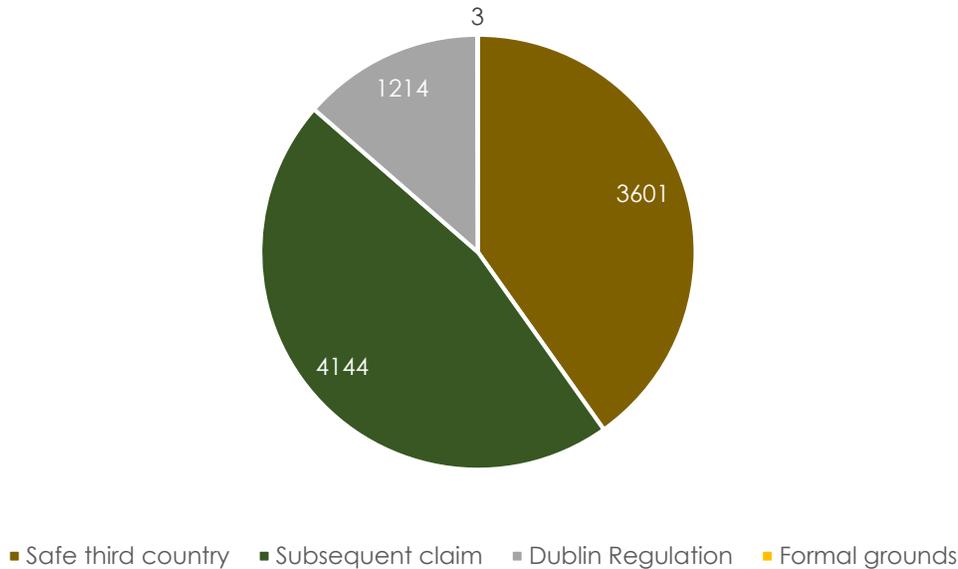
First instance recognition rates for key nationalities: 2022		
	Merits	Merits & inadmissibility
Afghanistan	99.6%	80.8%
Syria	99.1%	69.2%
Somalia	85.2%	52.3%

Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023

Inadmissible applications

The Asylum Service dismissed 8,962 asylum applications as inadmissible based on the inadmissibility grounds set out in Article 89 of the Asylum Code without assessing the merits and examining whether applicants qualify for refugee status or subsidiary protection:

Inadmissibility decisions at first instance: 2022



Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023

Safe third country

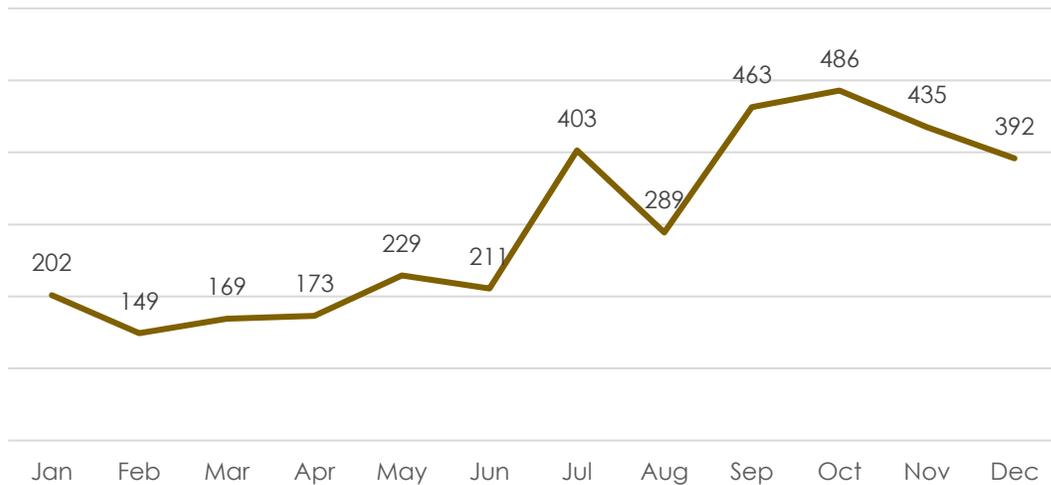
Greece has continued to systematically and arbitrarily implement the “safe third country” concept based on Article 91 of the Asylum Code and the national list of “safe third countries”, in spite of a clear lack of prospect of readmissions to Türkiye since 2020, as recently highlighted by the Plenary of the Council of State in a preliminary reference to the Court of Justice of the European Union (CJEU).⁸

The Asylum Service dismissed 3,601 claims as inadmissible based on the concept. Of those, 3,445 concerned Türkiye as a “safe third country”, 96 North Macedonia and 60 Albania.

Albeit lower than 2021 (6,424), the number of inadmissible applications based on the “safe third country” concept during the second half of 2022 (2,468) was more than double the number of the first half of the year (1,143).

⁸ Council of State Plenary, No 177/2023, 3 February 2023. Bλ. RSA, ‘Key points of the Greek Council of State ruling on the “safe third country” concept’, 17 February 2023, available at: <https://bit.ly/3FB91KC>.

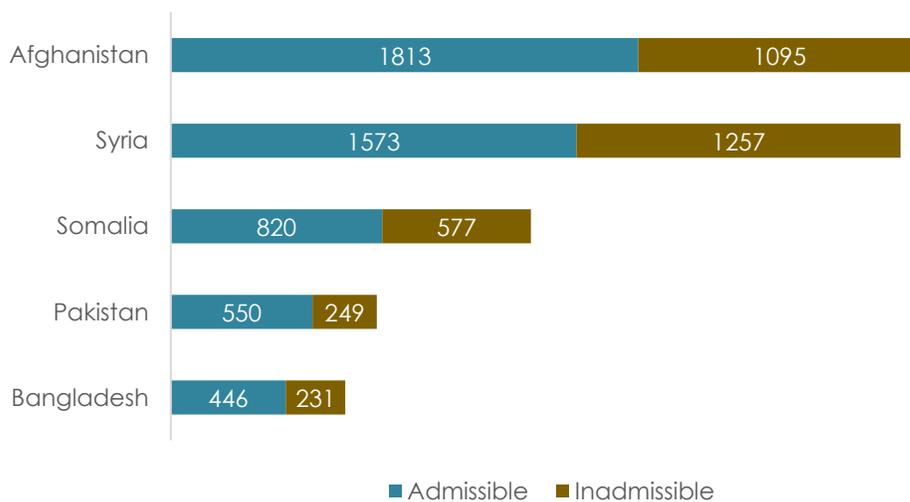
First instance "safe third country" decisions by month: 2022



Source: Ministry of Migration and Asylum, Statistical Report, Dec 2022

Specifically as regards the five countries of origin for which Türkiye is designated as a "safe third country", i.e. Afghanistan, Syria, Somalia, Pakistan and Bangladesh, 3,194 out of the 3,445 first instance inadmissibility decisions (92.7%) concern the mainland, as only 251 were issued in the border procedure applicable to the Eastern Aegean islands where the EU-Turkey deal applies. Official figures provided by the Ministry of Migration and Asylum to the Hellenic Parliament refer to the implementation of the national list in 2022 as follows:

National list of safe third countries at first instance: 2022

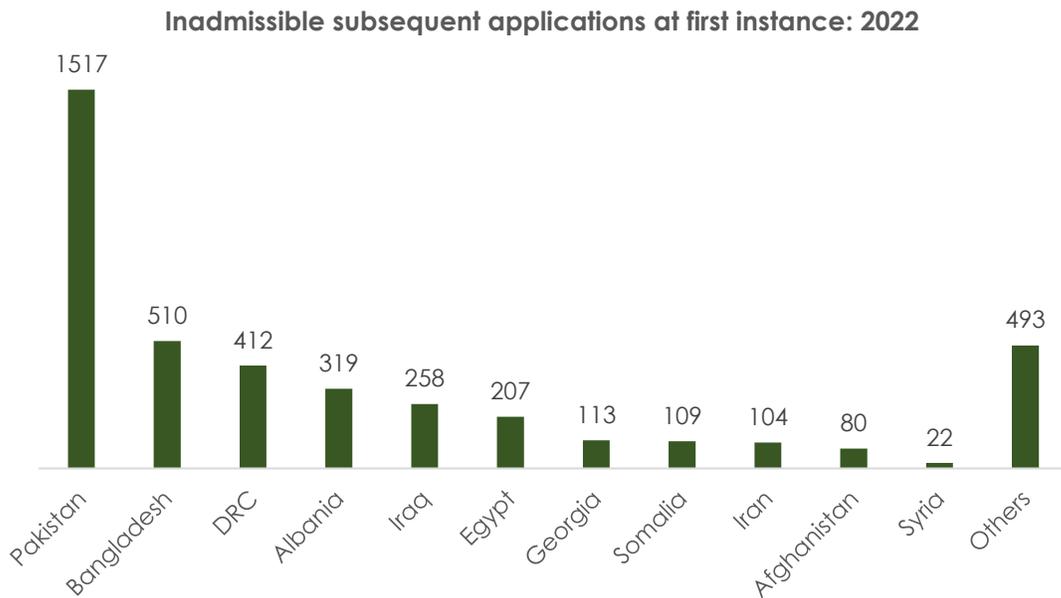


Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023

Subsequent applications

The majority of inadmissibility decisions at first instance (4,144) concerned subsequent applications which were deemed not to present new and substantial elements upon preliminary examination by the Asylum Service in line with Article 94 of the Asylum Code.

The majority of inadmissible subsequent applications concern nationals of Pakistan. Moreover, 109 claims by Somalis, 80 by Afghans and 22 by Syrians, normally lodged following rejection of the initial claim on “safe third country” grounds, were dismissed as inadmissible subsequent claims:



Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023

Accelerated procedure

Throughout 2022, the Asylum Service systematically applied the accelerated procedure under Article 88(9) of the Asylum Code and rejected asylum applications as manifestly unfounded based on one of the grounds set out in the provision. In fact, the overwhelming majority of negative first instance decisions relate to manifestly unfounded claims (8,323) and more than double the number of merely unfounded claims (3,282). Yet, Greece incorrectly insists on submitting zero figures to Eurostat in the context of data collection on the use of accelerated procedures in national asylum systems.⁹

Statistics provided to the Hellenic Parliament reveal that manifestly unfounded rejections mainly – albeit not exclusively – relate to nationals of countries included in the “safe countries of origin” list. Of 8,323 manifestly unfounded claims in 2022, 8,206 (98.6%)

⁹ Eurostat, migr_asyaccm.

concerned listed countries, namely Pakistan (2,691), Bangladesh (2,352), Egypt (1,052) and Albania (883).

According to Ministry data, the Asylum Service therefore rejected 117 asylum applications as manifestly unfounded in respect of nationalities outside the scope of the “safe countries of origin” list.

Border procedure

As per Article 95 of the Asylum Code, the border procedure is applicable only to claims made “at the border” or in “transit zones” of ports and airports.¹⁰ Only by way of derogation in cases of “mass arrivals” may its application be extended to people making an asylum claim while they remain in a RIC or CCAC.¹¹

In contravention of the boundaries of the border procedure, however, the Asylum Service continued to systematically use the border procedure in the CCAC of Lesbos, Chios, Samos, Leros and Kos in 2022 without there being circumstances of “mass arrivals” or regulations to that end after the effects of JMD 15596/2020 ceased at the end of 2021. Furthermore, reports refer to incorrect use of the border procedure in the RIC of Diavata and Malakasa on the mainland.¹²

In addition, a border procedure may only be used to assess asylum applications on admissibility, or on the merits if one or more grounds in Article 88(9) of the Asylum Code apply.¹³

The Asylum Service took 2,286 first instance decisions in the border procedure in 2022. Yet, only 462 of those were inadmissibility decisions and 74 were manifestly unfounded rejections. This means that the majority of decisions (1,750) exceed the scope of Article 95(1) of the Asylum Code and should not have been issued in that procedure.

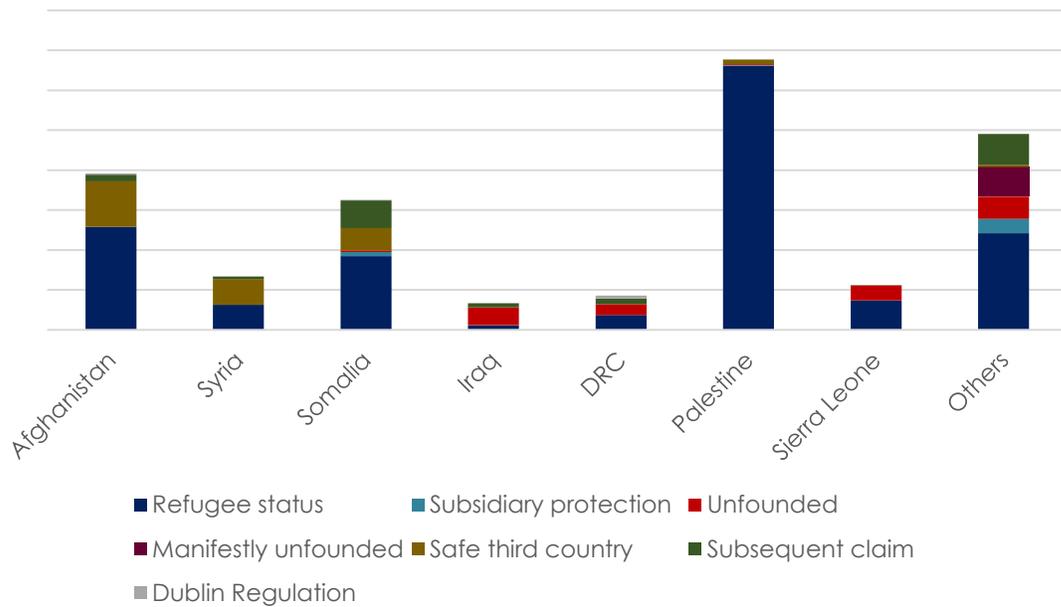
¹⁰ Article 95(1) Asylum Code.

¹¹ Article 95(3) Asylum Code.

¹² RSA, *Registration of asylum applications in the new mainland RIC*, February 2023, 14.

¹³ Article 95(1) Asylum Code.

Border procedure at first instance: 2022



Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023

1,580 out of 1,824 in-merit decisions taken in the border procedure were positive, pointing to a high recognition rate of 86.6%, compared to 62.3% across all procedures.

Only seven cases were exempted from the border procedures on grounds of vulnerability and need for special procedural guarantees.

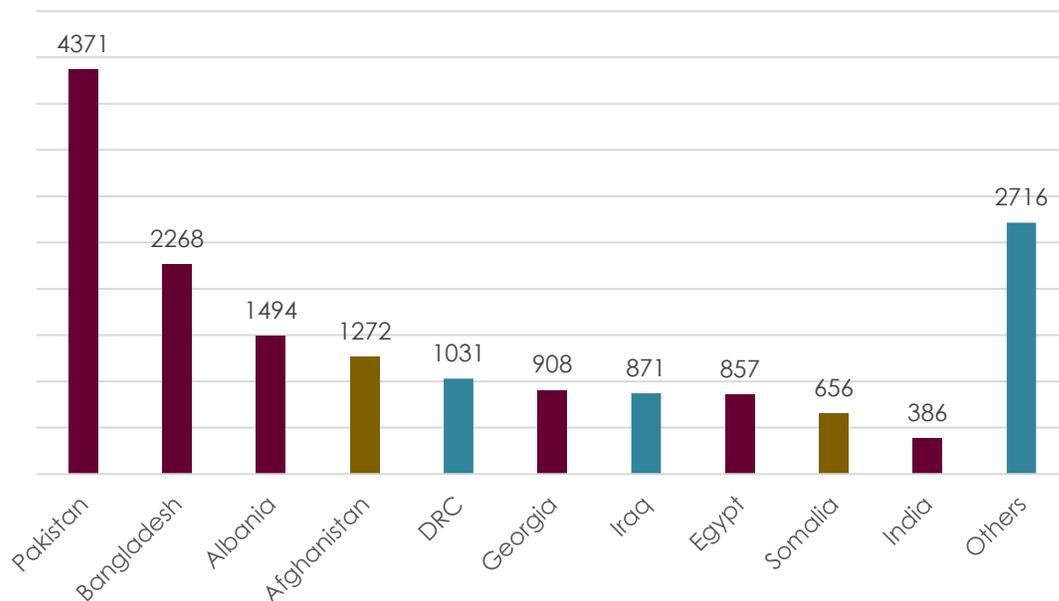
Formal decisions

Almost 20,000 first instance decisions issued in 2022 concern discontinuations (13,559), terminations (6,369) and explicit withdrawal of applications (817) without any assessment of the asylum application on admissibility or merits. The Asylum Service continues to issue such decisions *en masse* at particular points in time. For instance, according to Ministry figures, 2,503 cases were terminated in June 2022 and 1,930 in November, while 2,533 cases were discontinued in May.

Second instance procedure at the Appeals Committees

16,830 appeals were lodged against Asylum Service decisions in 2022. Of those, 14,950 were lodged on the mainland (88.8%) and 1,880 on the islands (11.2%). The main countries of origin of appellants were as follows:

Appeals by country of origin: 2022



Source: Ministry of Migration and Asylum, Statistical Report, Dec 2022

Free legal assistance by the Registry of Lawyers of the Asylum Service was requested in 7,925 cases in 2022, i.e. only 47% of submitted appeals. 3,529 of those requests concern RAO and AAU in Attica, while 1,122 relate to the Eastern Aegean islands.

Examination of appeals

The Appeals Committees took a total of 17,317 decisions in the past year. Oral hearings were held under Article 102(3) of the Asylum Code only in 494 cases.

1,818 appeals were dismissed by the Appeals Committees due to failure on the part of the appellant to appear in person or to submit a timely certificate of residence in a reception facility – though this is often attributed to the authorities – for the purposes of examination of the appeal.¹⁴ This is almost triple the number of decisions issued in 2021 (532) on the basis of the same provisions. Practice demonstrates systematic resort to Articles 83(3) and 102(3) of the Asylum Code in a manner that raises severe concerns around the right to an effective remedy in the asylum process. The main countries of origin of appellants whose appeals were dismissed on those grounds were Pakistan (524), Albania (347), Bangladesh (180), Georgia (96), Iraq (85), DRC (82) and Afghanistan (70).

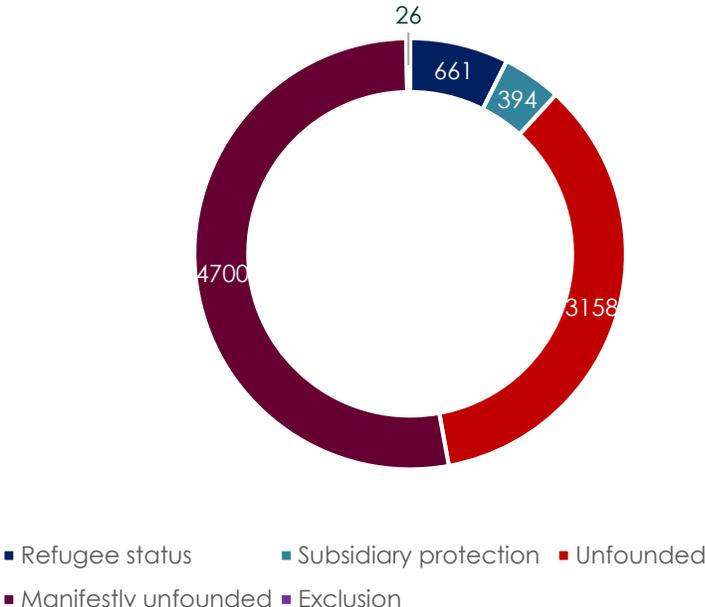
¹⁴ Due to persisting inconsistency in Asylum Code provisions, 1,790 of those were rejected as manifestly unfounded based on Article 102(3) of the Code and 28 as implicitly withdrawn based on Article 83(3) of the Code.

The Appeals Committees also dismissed 1,096 appeals on grounds of late submission in 2022. Most concern nationals of Pakistan (383), Bangladesh (145), DRC (73), Afghanistan (70), Georgia (68) and Albania (66).

Decisions on the merits

8,939 out of a total of 17,317 second instance decisions were decisions on the merits of asylum applications:

In-merit decisions at second instance: 2022



Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023

The overall recognition rate at the Appeals Committees stood at 11.6%, slightly higher than 10.6% in 2021. Contrary to the Asylum Service, however, the Appeals Committees made more systematic use of subsidiary protection. 394 decisions granted subsidiary protection and 661 granted refugee status.

This practice is likely related to situations where an inadmissibility e.g. “safe third country” decision is annulled on appeal and the case is examined on the merits without the conduct of an oral hearing on the reasons for flight from the home country,¹⁵ in stark contravention of Articles 82(1) and 102(3) of the Asylum Code; oral hearings were only held in 494 cases, i.e. less than 3% of the Appeals Committee caseload. This is

¹⁵ See e.g. 19th Appeals Committee, No 761318/2022; 8th Appeals Committee, No 580691/2022; 7th Appeals Committee, No 56018/2022; No 15939/2022. Contrast 19th Appeals Committee, No 458446/2022; 3rd Appeals Committee, No 345521/2022; 4th Appeals Committee, No 301027/2022; 21st Appeals Committee, No 115975/2022, where an oral hearing was ordered.

particularly problematic for asylum claims from Afghanistan, where Appeals Committees granted refugee status in 232 cases and subsidiary protection in 181 cases.

Furthermore, there are substantial disparities between recognition rates at first and second instance for cases concerning the same countries of origin. Positive in-merit decision rates for applications from selected countries were as follows:

First and second instance recognition rates for key nationalities: 2022		
	First instance rate	Second instance rate
Afghanistan	99.6%	90.2%
Syria	99.1%	92.9%
Somalia	85.2%	34.8%
Iraq	81.5%	20.2%
Türkiye	79.8%	31.5%
DRC	49.2%	12.8%
Sierra Leone	37.2%	19.7%

Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023

Inadmissible applications

The Appeals Committees dismissed 4,947 asylum applications as inadmissible, excluding appeals dismissed on grounds of late submission or on “manifest unfoundedness” due to failure to appear in person or to submit a residence certificate upon examination.

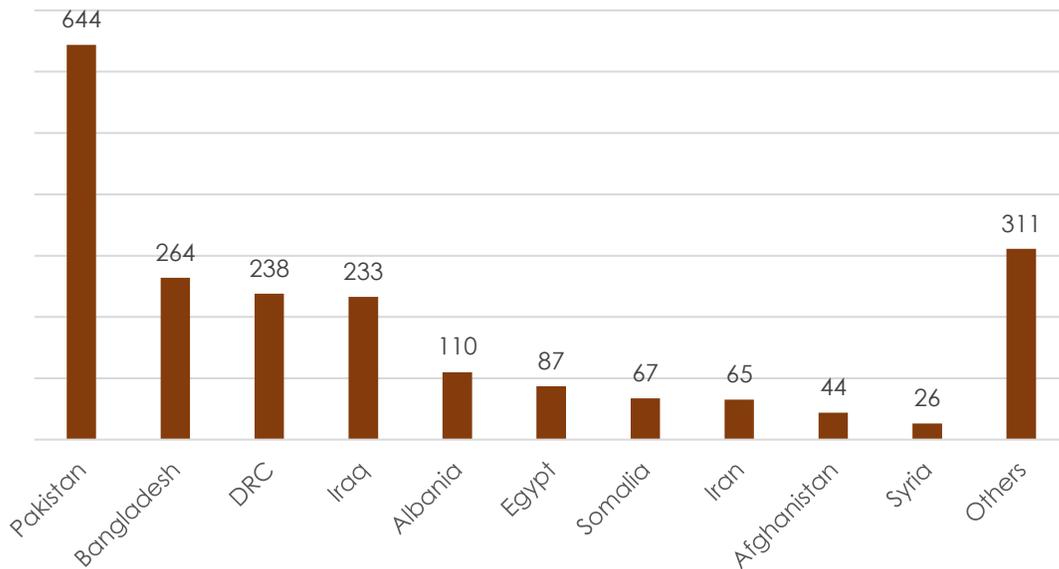
2,747 of those inadmissibility decisions relate to the “safe third country” concept, including 2,709 on Türkiye as a “safe third country”, 25 on North Macedonia and 13 on Albania. Ministry figures state, however, that the national list of “safe third countries” was applied to 2,696 cases vis-à-vis Türkiye and one case regarding Albania.

On correct reading of Ministry of Migration and Asylum data, 597 asylum applications were deemed admissible by the Appeals Committees on the ground that “safe third country” criteria were not fulfilled.¹⁶

The Appeals Committees dismissed 2,089 subsequent applications as inadmissible for want of new substantial elements. Main countries of origin were as follows:

¹⁶ The Ministry of Migration and Asylum refers to 597 decisions where Article 91(5) Asylum Code was applied due to a lack of prospect of readmission to the third country.

Inadmissible subsequent applications at second instance: 2022



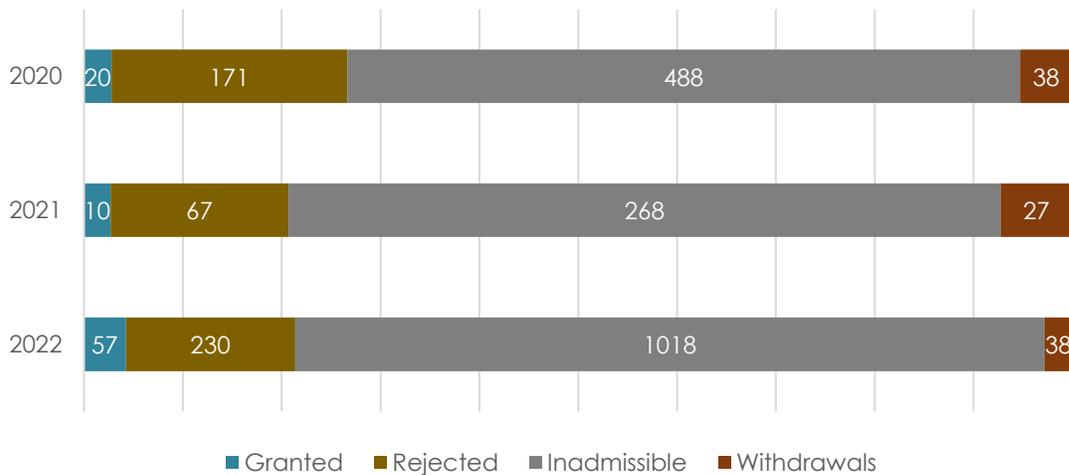
Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023

Judicial review at the administrative courts

745 judicial review applications against Appeals Committee decisions were lodged with the Administrative Courts of Athens and Thessaloniki in the course of 2022. However, due to a preliminary question before the Council of State relating to the constitutionality of Article 5(7) L 4375/2016 on single-judge composition within the Appeals Committees, all cases of judicial review of Committee decisions taken in single-judge composition has temporarily been suspended until a judgment is delivered by the highest court on the matter. The pilot procedure is expected to be heard on 28 March 2023.

Ministry of Migration and Asylum data on judicial review of asylum decisions are as follows:

Judicial review of asylum decisions: 2020-2022



Source: Ministry of Migration and Asylum, Statistical Report, Jan 2023

The above figures show that the majority of applications for judicial review of Appeals Committee decisions are dismissed by the administrative courts as inadmissible. Inadmissibility grounds under PD 18/1989 include legal representation and fees.

As for applications examined on the merits, the approval rate at the courts rose from 13% in 2021 to 20% in 2022, with 57 applications granted and 230 rejected.

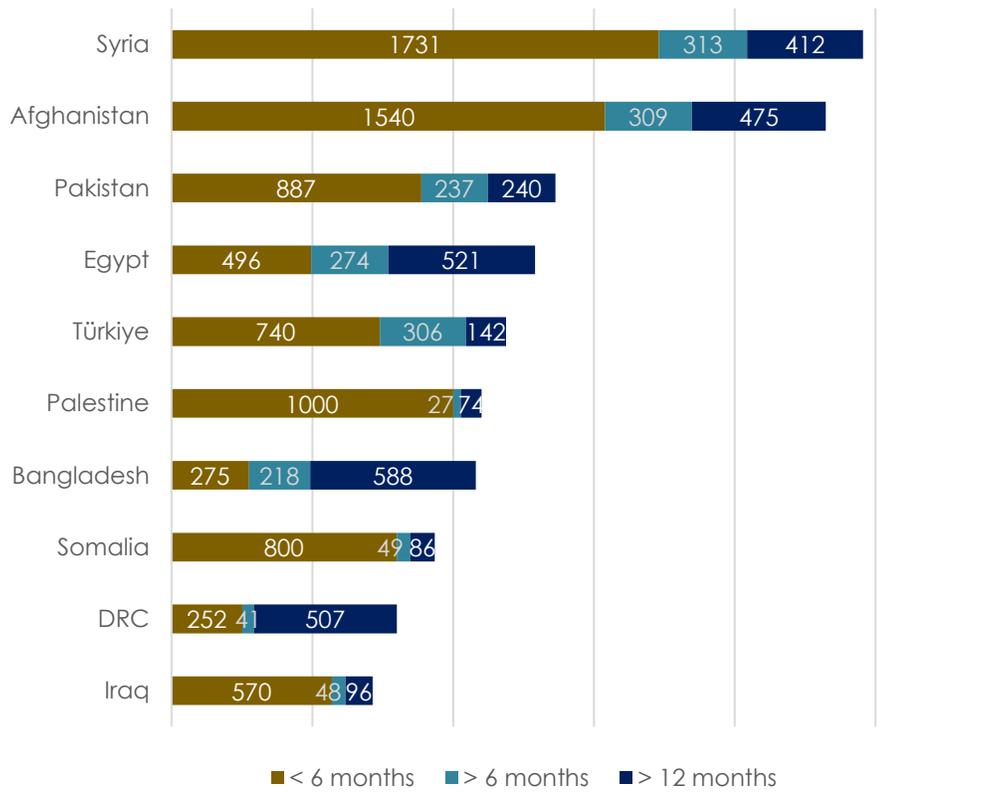
Pending applications

As of 31 December 2022, Greece had 22,316 pending asylum applications, of which 146 pending lodging, 17,249 at first instance and 4,921 at first instance. The steady decrease of the backlog since March 2020 at both first and second instance stopped at the end of 2022 following a slight increase in pending cases. Another 2,050 judicial review applications are pending before the administrative courts.

Of 17,249 pending cases at first instance, 4,314 were pending at the Asylum Service for over a year. Moreover, in 8,407 cases the personal interview had not yet taken place. Most interview (8,112) had been scheduled for 2023 and 295 for 2024 or later.

The main nationalities of asylum seekers awaiting a decision on their case are as follows:

Main nationalities of pending cases at first instance: 31 Dec 2022



Source: Ministry of Migration and Asylum, Reply to parliamentary question, 16 Mar 2023