

Immigration detention in Greece in 2023

MAY 2024



Refugees arbitrarily deprived of their liberty despite unfeasible deportations

Immigration detention in Greece in 2023

Refugees arbitrarily deprived of their liberty despite unfeasible deportations



Returns & deportations

29,869 Hellenic Police decisions: 19,188 return decisions (Return Directive) and 10,681 deportation decisions (derogation from the Directive). Nationalities include Syria (2,785), Iraq (2,679), Afghanistan (2,013), Somalia (1,826) and Palestine (1,562)

6,340 returns of third-country nationals, namely of Albania (2,488) and Georgia (2,309), not represented in arrivals via Evros, Central and Eastern Mediterranean



Review of return & deportation orders

367 decisions challenged through an administrative appeal to the Hellenic Police (1.2%)

6% approval rate in appeals before the Hellenic Police



Immigration detention

24,174 detention orders: 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)

96.4% detention rate in deportation procedures

53.2% detention rate in return procedures



Judicial review of detention

5,001 orders challenged through objections in administrative courts (20.7%)

45.6% approval rate in objections before administrative courts

0.5% rate of detention orders quashed in *ex officio* review by the same courts based on the same provisions



Detention conditions

2,303 people detained in pre-removal centres at the end of 2023, mainly Amygdaleza (799) and Corinth (654). Main countries include Pakistan (836) and Egypt (544)

261 people detained in police stations at the end of 2023

49 total staff in pre-removal centres, including interpreters and administrative staff. 1 doctor for 654 detainees in Corinth and for 399 in Amygdaleza. No doctor in Paranesi

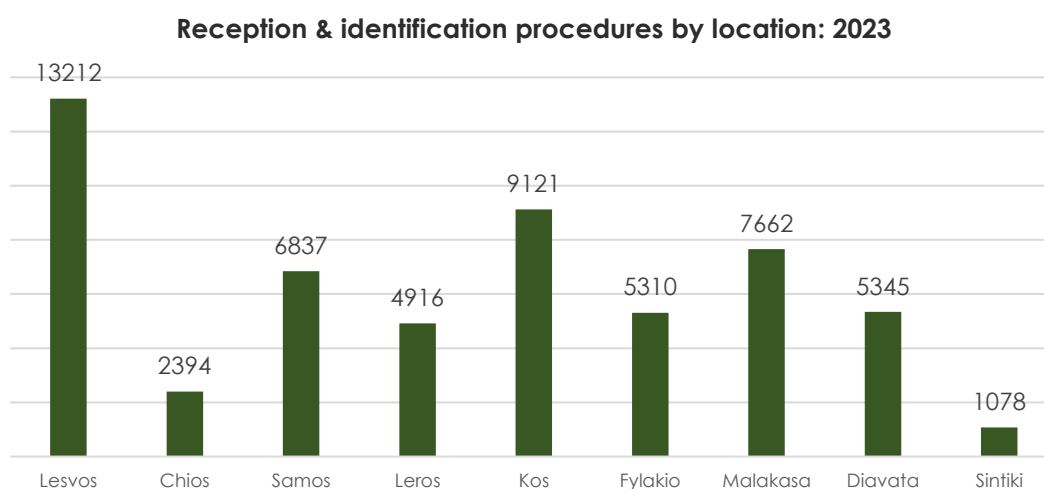
Greece continues to systematically detain refugees and migrants facing deportation proceedings even to countries where returns are neither feasible nor in line with the country's international obligations. The practice is confirmed by official statistics on return and deportation procedures and on immigration detention for 2023, obtained through parliamentary questions¹ and analysed in this note.

Registered arrivals in Greece

Greek authorities' official data for 2023 refer to 7,079 arrivals from the Evros land border, 39,016 Eastern Mediterranean arrivals on the Aegean islands and 2,370 Central Mediterranean arrivals at points such as Crete and the Peloponnese.²

Greek law provides that people arriving or present in the country without documentation must be immediately referred to the Reception and Identification Service (RIS) of the Ministry of Migration and Asylum for screening, prior to an asylum or return procedure.³ The Hellenic Police has expressly conceded that "all – almost – foreigners entering our country make an asylum application during the reception and identification procedure".⁴

Last year, the RIS registered a total of 55,875 persons in reception and identification procedures ("screening"). Of those, 5,310 were registered in Evros, 36,480 in the Closed Controlled Access Centres (CCAC) on the islands and 14,085 on the mainland:



Source: Ministry of Migration and Asylum, Reception and identification statistics, 2023

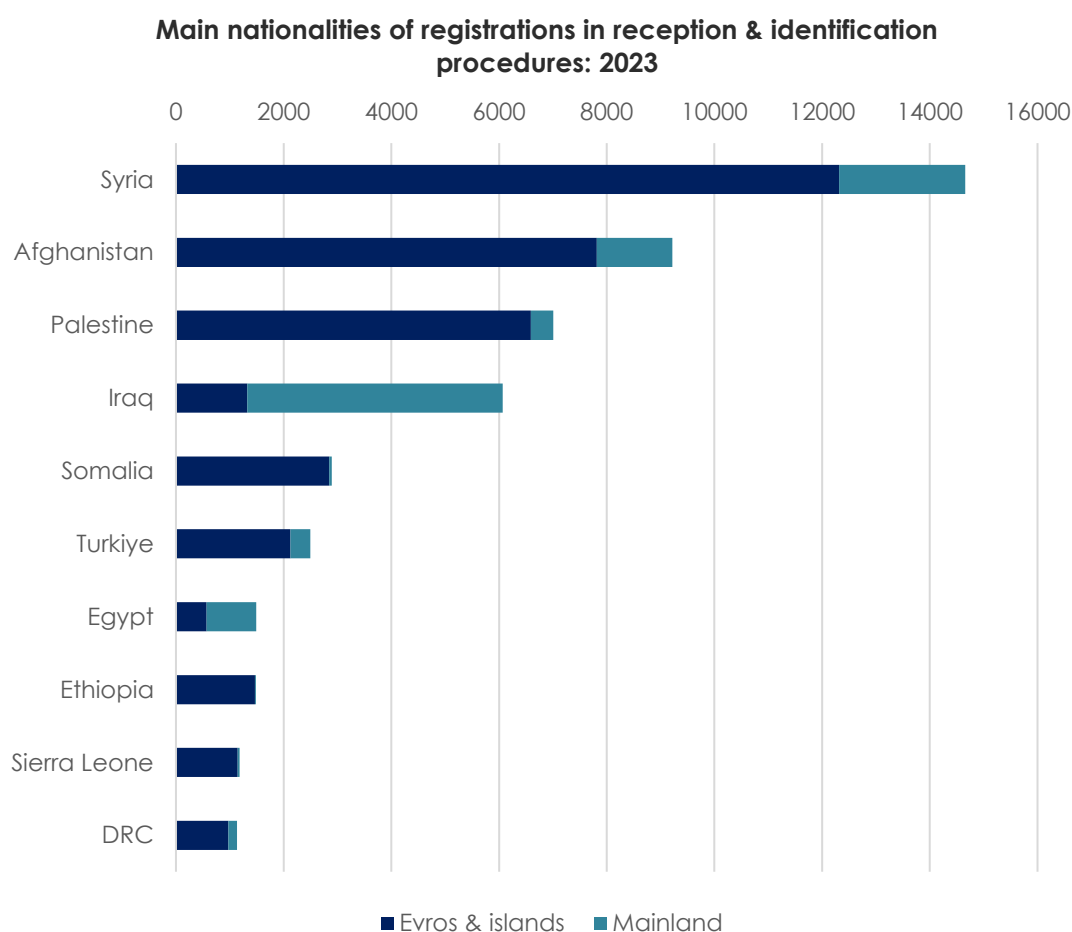
¹ Hellenic Parliament, *Στοιχεία διοικητικής κράτησης και απελάσεις μεταναστών και αιτούντων άσυλο*, available [here](#).

² Ministry of Migration and Asylum, *Statistics*, December 2023, 1, available [here](#); March 2024, 20, available [here](#).

³ Article 38(1) Greek Asylum Code.

⁴ Directorate of Hellenic Police, Reply to parliamentary question, 7017/4/25899-γ', 16 March 2022, available [here](#).

The main nationalities registered by the RIS last year were as follows:



Source: Ministry of Migration and Asylum, Reception and identification statistics, 2023

These countries of origin coincide with the main nationalities of people who sought asylum in Greece during the same period. Most of the 64,212 asylum applications lodged in 2023 concerned Syria (14,015), Afghanistan (9,488), Palestine (6,736) and Iraq (6,455).⁵

Return procedures

Throughout 2023, the Hellenic Police issued 29,869 removal orders against third-country nationals and stateless persons. Specifically, it took 19,188 return decisions based on L 3907/2011 transposing the Return Directive, 10,681 deportation decisions based on L 3386/2005 in derogation from the Return Directive.

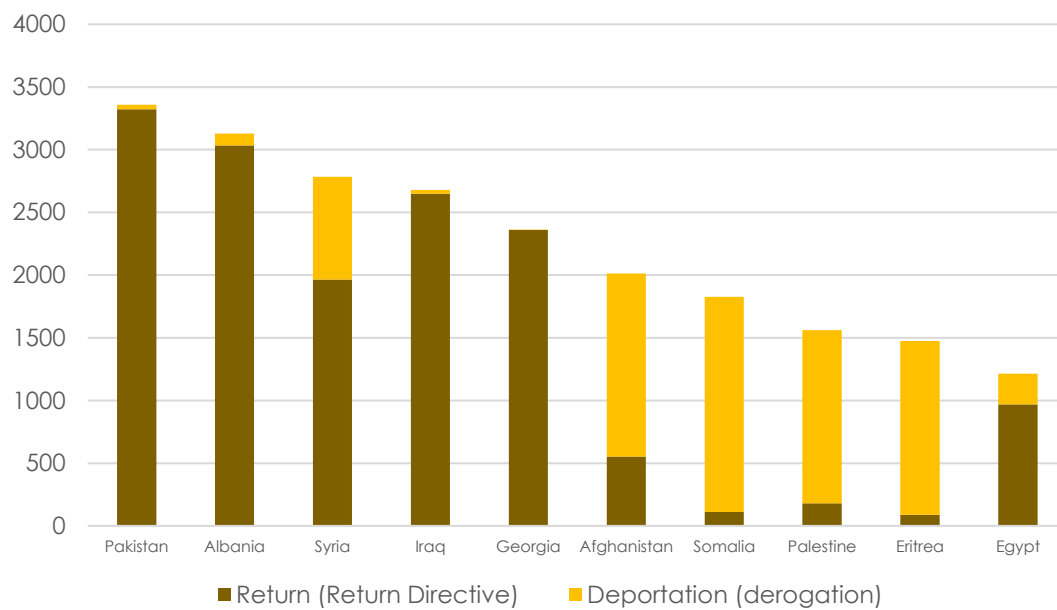
As we have repeatedly highlighted, police authorities systematically circumvent EU law by indiscriminately issuing deportation orders against newly arrived persons who seek asylum and thereby enjoy a right to remain on the territory.⁶ Figures show that deportation orders in derogation from the Return Directive were issued in respect of

⁵ Ministry of Migration and Asylum, *Statistics, December 2023*, 6, available [here](#).

⁶ RSA, *Persisting systematic detention of asylum seekers in Greece*, June 2022, available [here](#).

countries such as Syria, Afghanistan, Palestine, Eritrea and Somalia, thereby confirming this unlawful practice:

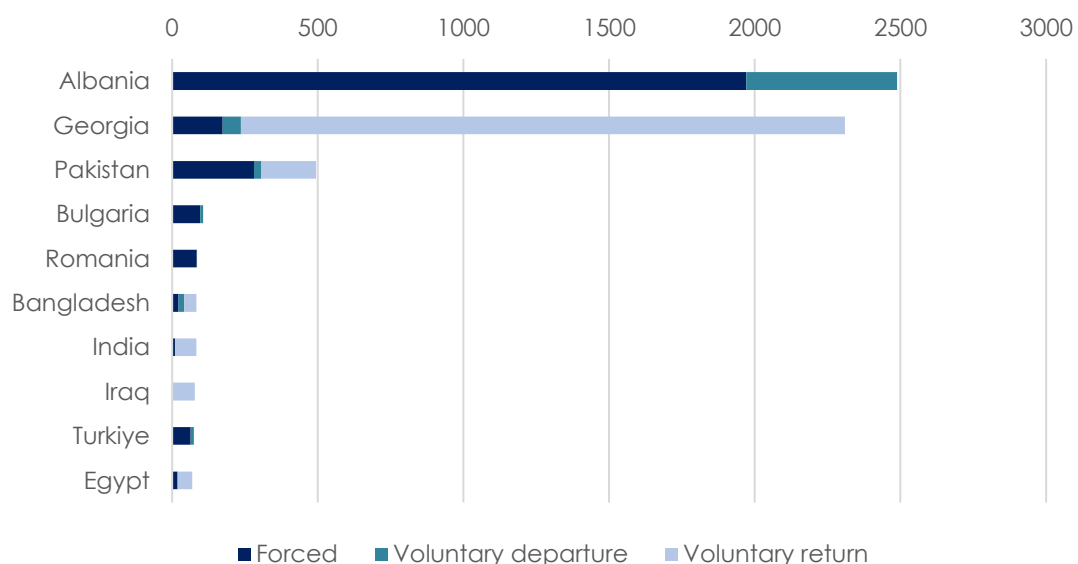
Main countries of origin in returns & deportation orders: 2023



Source: Ministry of Citizen Protection, Reply to parliamentary question, 16 Apr 2024

Greece carried out a total of 6,340 returns and deportations last year. Of those, 2,706 were voluntary returns supported by the International Organisation for Migration (IOM), 742 were voluntary departures within a set deadline under a return decision, and 2,892 were forced removals:

Main countries of removal by category: 2023



Source: Ministry of Citizen Protection, Reply to parliamentary question, 16 Apr 2024

These official figures demonstrate that the overwhelming majority – more than ¾ of the total – of returns and deportations executed in 2023 exclusively concern nationals of Albania (2,488) and Georgia (2,309) who do not figure in the data on arrivals from Evros,

the Eastern and Central Mediterranean. Main countries of origin of people deported from Greece include two EU Member States: Bulgaria (106) and Romania (85).

Administrative appeal against the return or deportation order

Deportation or return decisions issued by police authorities may be challenged by an administrative appeal before the Hellenic Police within a tight deadline of five days.

Statistics on administrative appeals against deportation or return orders still reflect systemic deficiencies in relation to access to this remedy. Out of 29,869 decisions issued by the Hellenic Police last year, only 367 were appealed: 1.2% of the total.

Useful contrast on the accessibility of remedies may be offered by the asylum procedure, where the Asylum Service issues a return or deportation order together with the rejection of the asylum application, as a rule.⁷ In 2023, the Asylum Service issued 7,593 rejections on the merits and 4,643 inadmissibility decisions, while a total of 10,973 appeals against such decisions were filed with the Appeals Authority.⁸

The persisting, full absence of free legal assistance by the state poses a serious barrier on the accessibility of the remedy to persons facing deportation or return.⁹ More than two years following the Council of the EU recommendation on ensuring “effective access to free legal assistance”,¹⁰ Greece has taken no measure whatsoever to introduce it in practice.

Moreover, our serious concerns about the effectiveness of the administrative appeal before the Hellenic Police in reviewing the legality of deportation or detention orders remain valid.¹¹

These concerns are corroborated by official Hellenic Police figures: 345 appeals were dismissed and only 22 were granted in 2023, i.e. only 6% of the very few administrative appeals lodged within the year.

Resort to immigration detention

The number of detention orders issued by the Hellenic Police reached 24,174 in 2023, compared to 30,631 in 2022 and 21,044 in 2021.

⁷ Article 87(8) Greek Asylum Code.

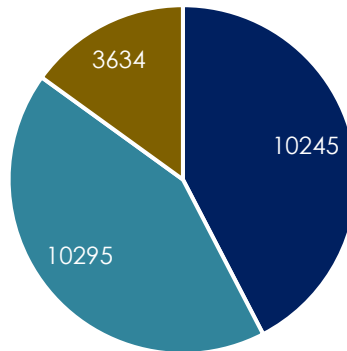
⁸ Ministry of Migration and Asylum, *Statistics*, December 2023, 8-10, available [here](#).

⁹ Article 28(4) L 3907/2011.

¹⁰ Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of Greece on the application of the Schengen acquis in the field of return, 13662/21, 10 November 2021, paras 1-2, available [here](#). See also European Commission, Reply to written question P-5159/2021, 19 January 2022, available [here](#).

¹¹ RSA, *Immigration detention in 2022: Sharp rise in detention orders, no access to remedies and legal aid in Greece*, April 2023, 4, available [here](#).

Detention orders by category: 2023

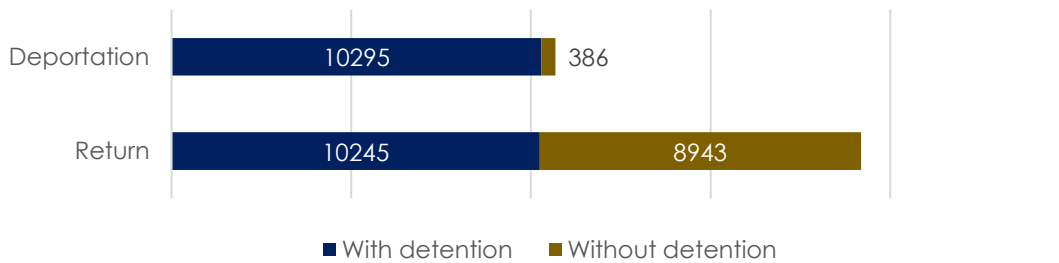


■ Return (Return Directive) ■ Deportation (derogation) ■ Asylum (Reception Conditions Directive)

Source: Ministry of Citizen Protection, Reply to parliamentary question, 16 Apr 2024

Official statistics confirm yet again that Greece applies pre-removal detention in removal procedures systematically and not as a measure of last resort in line with international, EU and domestic law. In fact, deprivation of liberty is an almost automatic adjunct to deportation orders issued under L 3386/2005 in derogation from Return Directive safeguards. 96,4% deportation orders were accompanied by detention, whereas the detention rate in return decisions issued under L 3907/2011 was 53.4%:

Detention in return & deportation procedures: 2023



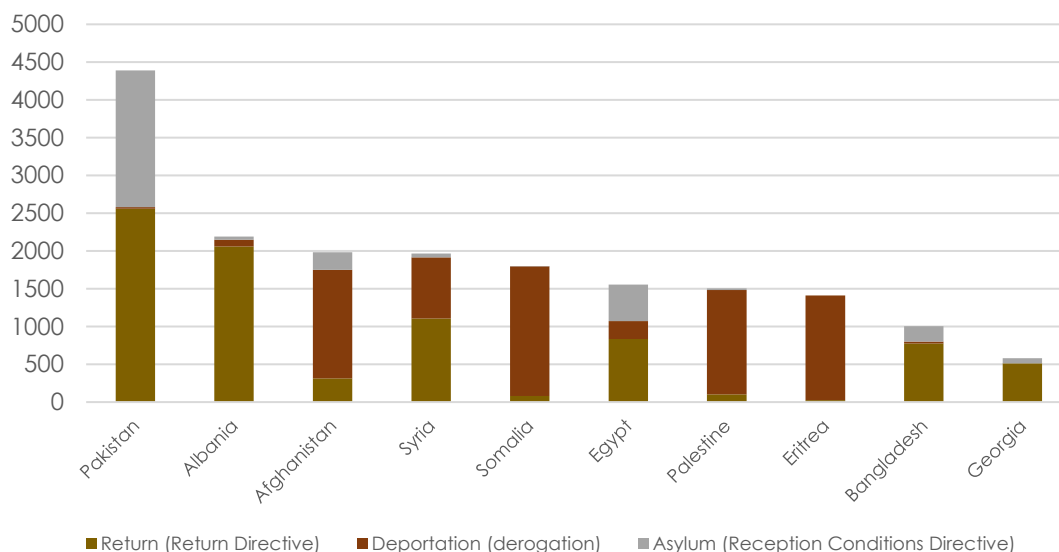
■ With detention ■ Without detention

Source: Ministry of Citizen Protection, Reply to parliamentary question, 16 Apr 2024

Detention with no prospect of removal

The primary nationality of people placed in immigration detention in 2023 was Pakistan (4,390), followed by Albania (2,190), Afghanistan (1,985), Syria (1,966) and Somalia (1,798):

Main nationalities in immigration detention: 2023



Source: Ministry of Citizen Protection, Reply to parliamentary question, 16 Apr 2024

Pre-removal detention may only be imposed where there is a reasonable prospect of removal from the Greek territory, among other conditions. However, in the case of people originating from countries such as Afghanistan, Syria, Somalia, Palestine or Eritrea, pre-removal detention was used without any removal prospect either to the country of origin or to Türkiye.

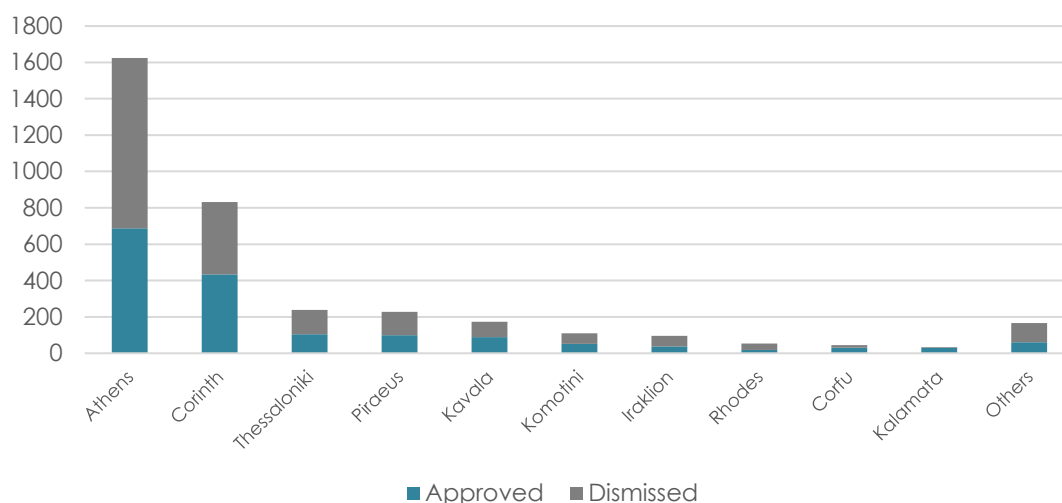
Judicial review of detention

A total of 5,001 objections against detention were lodged before the administrative courts in 2023. This means that one out of five detention orders were challenged. Access to this remedy too is undermined by the aforementioned barriers on access to appeals and on the complete lack of compliance on the part of Greece with the duty to provide free legal assistance.

The overwhelming majority of objections against detention were lodged with the Administrative Court of Athens (2,890). Others were mainly filed before the Administrative Courts of Corinth (933), Thessaloniki (243) and Piraeus (238).

45.6% of objections against detention examined by the administrative courts on the merits in 2023 were granted:

Decisions on objections against detention by administrative court: 2023



Source: Ministry of Justice, Reply to parliamentary question, 14 Feb 2024

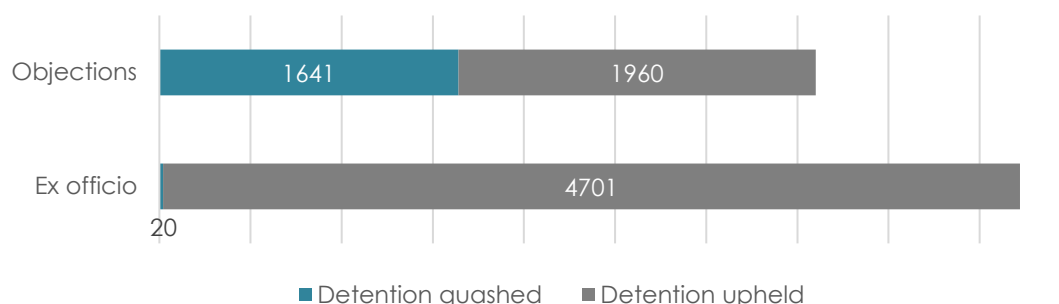
2023 too was marked by sharp disparities between judicial review of detention in objections and *ex officio* judicial review of extensions of detention orders based on domestic asylum and return legislation, even though these concern the very same provisions and are carried out by the same courts:

Ex officio review of legality of immigration detention: 2023					
	Asylum (L 4939/2022)		Return (L 3907/2011)		Quashed percentage
	Quashed	Upheld	Quashed	Upheld	
Corinth	10	3,480	0	0	0.3%
Kavala	3	741	0	253	0.3%
Piraeus	1	46	4	63	4.4%
Komotini	4	403	0	132	1.4%
Others	2	31	1	25	0.7%
Total	20	4,701	5	473	0.5%

Source: Ministry of Justice, Reply to parliamentary question, 14 Feb 2024

The above data confirm manifest discrepancies in the workings of existing mechanisms for judicial review of the legality of detention. The administrative courts quashed 45.6% of detention orders brought before them through objections but found no more than 0.5% of orders they reviewed *ex officio* to be unlawful.

Rate of detention orders quashed upon judicial review: 2023



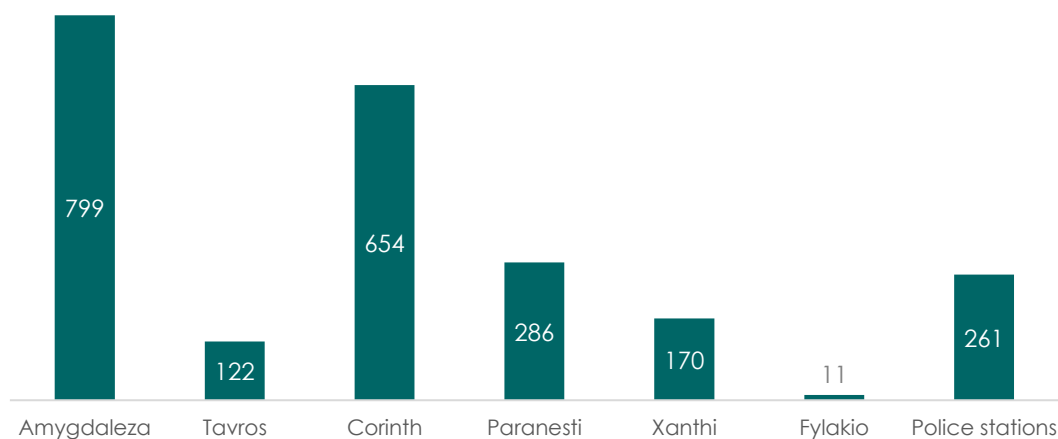
Source: Ministry of Justice, Reply to parliamentary question, 14 Feb 2024

Official statistics demonstrate yet again the pressing need for provision of free legal assistance in line with EU law, with a view to ensuring fair and effective review of detention. Greek authorities, however, have taken no steps to date to grant free legal assistance to persons held in immigration detention.

Detention conditions

2,303 people were in immigration detention at the end of 2023, a slight decrease on 2,813 at the end of 2022 and 2,335 at the end of 2021. Of those, 2,042 were held in six pre-removal detention centres and 261 in police stations across the Greek territory:

Persons in immigration detention: 31 Dec 2023



Source: Ministry of Citizen Protection, Reply to parliamentary question, 16 Apr 2024

Pakistan (836) was the top country of origin of people detained at the end of the year, mostly in Corinth (526) and Amygdaleza (228). The second country of origin was Egypt (544), whose nationals were held mainly in Amygdaleza (321) and Paranesti (109).

The total number of staff deployed by Health Units SA (Ανώνυμη Εταιρία Μονάδων Υγείας, AEMY) in pre-removal centres rose from 37 at the end of 2022 to 49 at the end of 2023. This includes administrative staff and interpreters. Despite this increase,

however, coverage of medical needs of people detained in pre-removal centres remains extremely poor. Official figures of the Ministry of Citizen Protection indicate the following numbers of staff per pre-removal centre at the end of last year:

AEMY staff by pre-removal centre: 31 Dec 2023						
Profile	Amygdaleza	Tavros	Corinth	Paranesti	Xanthi	Fylakio
Doctors	2	1	1	0	1	1
Nurses	3	3	2	3	2	1
Psychologists	2	1	2	1	0	0
Social workers	2	1	0	1	1	1
Interpreters	3	1	1	0	1	1
Health visitors	2	1	1	0	0	0
Administrative staff	1	1	1	1	1	1
Total	15	9	8	6	6	5

Source: Ministry of Citizen Protection, Reply to parliamentary question, 16 Apr 2024

The data show, for example, that Corinth had only one doctor for a total of 654 detainees. Paranesti had no doctor and no interpreter for a total of 286 detainees.



<https://rsaegean.org/en/immigration-detention-in-greece-in-2023>



Refugee Support Aegean (RSA)

Iasona Kalampoka 30

82131 Chios, Greece

+30 22711 03721

info@rsaegean.org

<https://rsaegean.org>