

POLICY NOTE

IMMIGRATION DETENTION IN GREECE IN THE FIRST HALF OF 2024

OCTOBER 2024

Newly arrived refugees systematically subjected to deprivation of liberty

Photo: Google Earth

RSA
REFUGEE SUPPORT AEGEAN

Immigration detention in the first half of 2024

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Returns & deportations

12,877 Hellenic Police decisions: **6,010** return decisions (Return Directive) and **6,867** deportation decisions (derogation from the Directive). Main nationalities are Afghanistan (2,177) and Syria (1,945).

2,709 returns of third-country nationals, namely Albania (966) and Georgia (855), not represented in arrivals via Evros, Central and Eastern Mediterranean



Review of return & deportation orders

182 decisions challenged through an administrative appeal to the Hellenic Police (1.4%)

3.8% approval rate in appeals before the Hellenic Police



Immigration detention

12,772 detention orders: 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)

99.2% detention rate in deportation procedures

64.3% detention rate in return procedures



Judicial review of detention

2,256 orders challenged through objections in administrative courts (17.6%)

44% approval rate in objections before administrative courts

0.4% 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 June 2024, mainly Amygdaleza (647), Corinth (493) and Paranesti (303). Main countries include Egypt (816) and Pakistan (607).

422 people detained in police stations at the end of June 2024

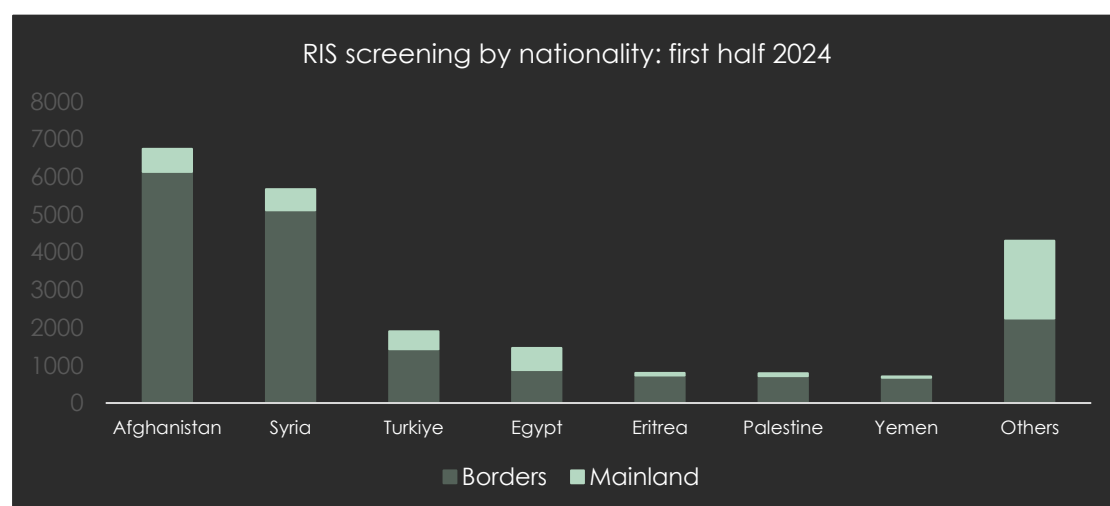
Greece continues its arbitrary practice of systematically subjecting refugees and migrants to deportation and detention, even to countries such as Syria and Afghanistan where return is neither lawful nor feasible in practice. The enduring breach of the country's international obligations is demonstrated by the latest official statistics on return, deportation procedures and on immigration detention for the first half of 2024, provided in response to parliamentary questions¹ and analysed in this Refugee Support Aegean (RSA) note.

Registered arrivals in Greece

Official figures of the Greek authorities for the first semester 2024 refer to 2,786 arrivals via the Evros land border, 18,508 arrivals on the Aegean islands via the Eastern Mediterranean and 2,316 Central Mediterranean arrivals on locations such as Crete and Gavdos.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 still concedes that “all – almost – foreigners entering our country make an asylum application during the reception and identification procedure”.⁴

During the same period, the RIS screened a total of 22,401 people, namely 2,806 in Evros, 15,112 in the Closed Controlled Access Centres (CCAC) on the islands and 4,483 on the mainland. The main nationalities screened by the RIS were as follows:



Source: Ministry of Migration and Asylum, Reception and identification data, June 2024, available [here](#) and [here](#)

The above countries of origin coincide with the nationalities of people who sought asylum in Greece during that period. Out of a total of 29,785 applications lodged in

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

² Ministry of Migration and Asylum, *Στατιστικά*, June 2024, 1 and 20, available [here](#).

³ Article 38(1) Greek Asylum Code.

⁴ Directorate of the Hellenic Police, Reply to parliamentary question, 7017/4/26888-γ', 13 August 2024, available [here](#).

the first half of 2024, most concerned Afghanistan (8,154), Syria (6,412), Egypt (2,867), Türkiye (2,000) and Palestine (1,249).⁵

Return procedures

The Hellenic Police issued 12,877 removal orders from the Greek territory in the first half of 2024. These include 6,010 return decisions based on L 3907/2011 transposing the Return Directive and 6,867 deportation decisions based on L 3386/2005 in derogation from the Return Directive. This means that the majority of removal orders were taken in derogation from the Return Directive.

We continue to stress that police authorities systematically circumvent EU law by indiscriminately issuing deportation decisions against newly arrived people who seek asylum and thereby have a right to remain in Greece.⁶ Data show that the main countries of origin of persons subject to deportation orders in derogation from the Return Directive were Afghanistan and Syria, even though the overwhelming majority of nationals of those countries who apply for asylum are recognised as refugees:

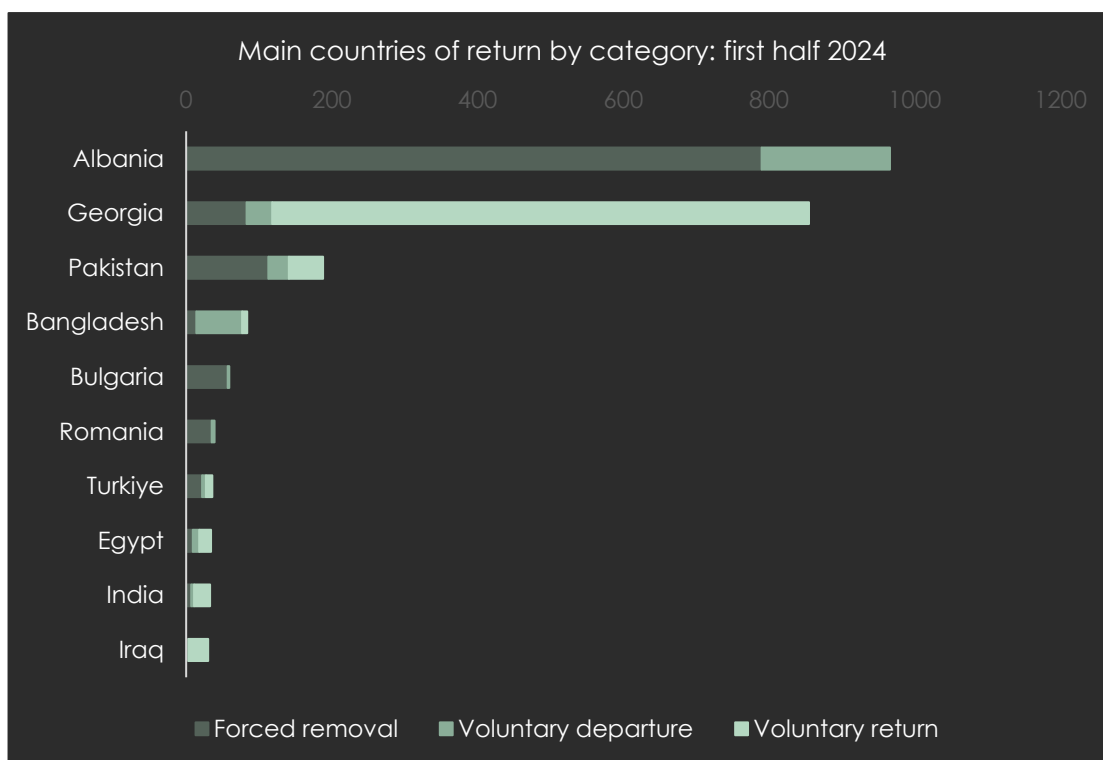


Source: Ministry of Citizen Protection, Reply to parliamentary question, 27 Sep 2024

Greece carried out a total of 2,709 returns and deportations in the first half of the year. Of those, 979 were voluntary returns supported by the International Organisation for Migration (IOM), 377 were voluntary departures within a set deadline under a return decision, and 1,353 were forced removals:

⁵ Ministry of Migration and Asylum, *ΣΤΑΤΙΣΤΙΚΑ*, June 2024, 6.

⁶ RSA, *New Pact on Migration and Asylum: Impermissible regression of standards for asylum seekers*, July 2024, 21-22, available [here](#); *Persisting systematic detention of asylum seekers in Greece*, June 2022, available [here](#).



Source: Ministry of Citizen Protection, Reply to parliamentary question, 27 Sep 2024

These official figures demonstrate that the overwhelming majority – more than $\frac{2}{3}$ of the total – of returns and deportations executed in the first half of 2024 exclusively concern nationals of Albania (966) and Georgia (855) 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 (59) and Romania (39).

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 short 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 12,877 decisions issued by the Hellenic Police in the first half of 2024, only 182 were appealed: 1.4% of the total.

Important 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 the first half of 2024, the Asylum Service issued 6,203 rejections on the merits and 4,148 inadmissibility decisions, while a total of 6,526 appeals against such decisions were filed with the Appeals Authority.⁸

The persisting, complete absence of free legal assistance by the state is a severe barrier to poses a serious barrier on the accessibility of the remedy to persons facing

⁷ Article 87(8) Greek Asylum Code.

⁸ Ministry of Migration and Asylum, *ΣΤΑΤΙΣΤΙΚΑ*, June 2024, 8-10.

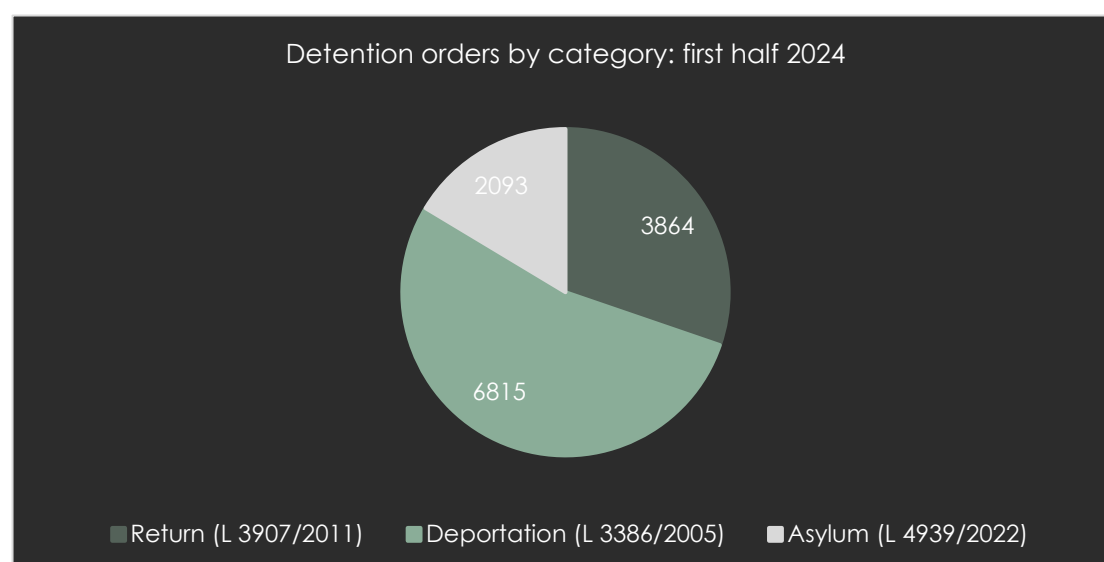
deportation or return, in contravention of Greece's obligations.⁹ Almost three years since the Council of the European Union recommendations on ensuring "effective access to free legal assistance",¹⁰ Greece introduced legislation with a view to creating a free legal assistance scheme for people in immigration detention.¹¹ Such a scheme is still not in operation in practice, however.

In addition, 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.¹²

These concerns are corroborated by official Hellenic Police figures: 174 appeals were dismissed and only 7 were granted in the first half of 2024, i.e. only 3.8% of the very few administrative appeals lodged that semester.

Resort to immigration detention

The Hellenic Police took 12,772 detention orders in the first half of 2024:



Source: Ministry of Citizen Protection, Reply to parliamentary question, 27 Sep 2024

This year too, official statistics confirm that Greece applies pre-removal detention in removal procedures systematically and not as a measure of last resort as mandated by 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

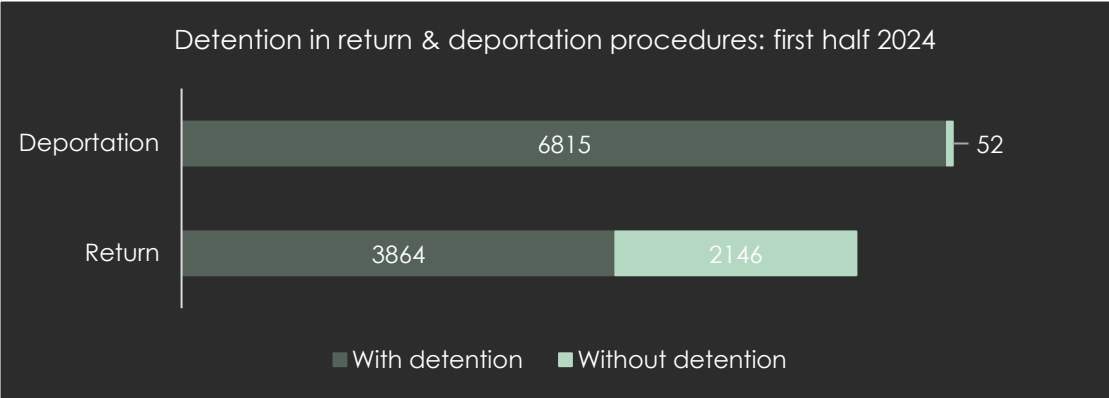
⁹ Article 28(4) L 3907/2011.

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 Article 39(2) L 3907/2011, inserted by Article 46 L 5130/2024.

¹² RSA, *Immigration detention in Greece in 2023: Refugees arbitrarily deprived of their liberty despite unfeasible deportations*, May 2024, 5, 8-9, available [here](#); *Immigration detention in 2022: Sharp rise in detention orders, no access to remedies and legal aid in Greece*, April 2023, 4, available [here](#).

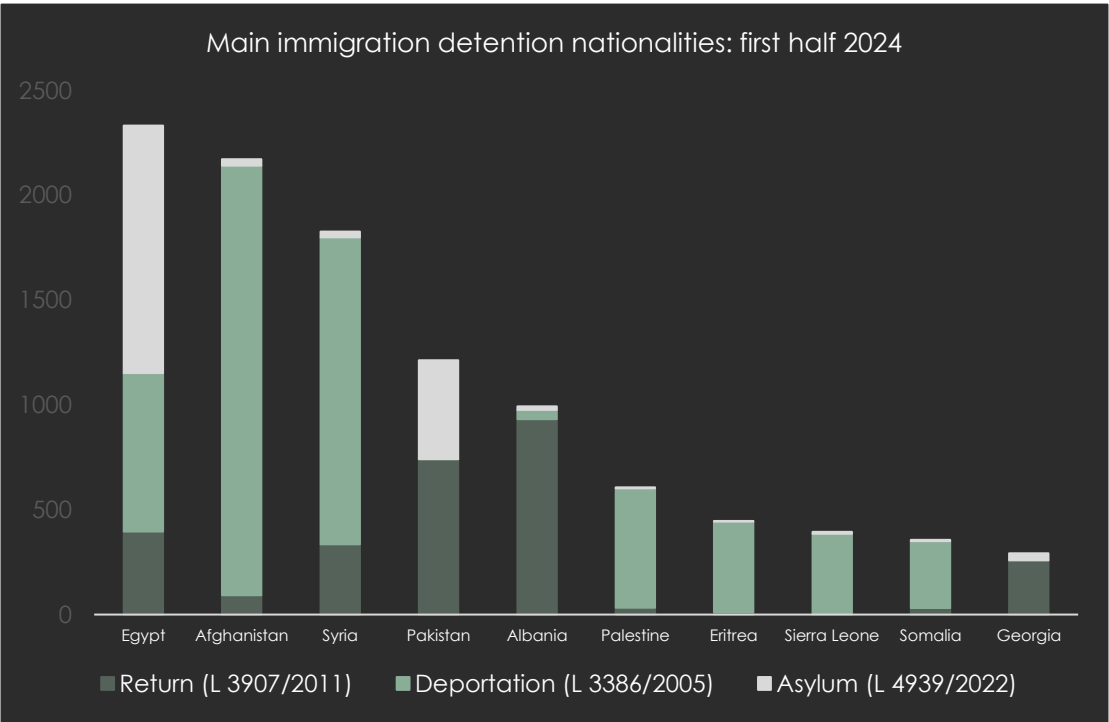
Return Directive safeguards. 99.2% deportation orders were accompanied by detention, whereas the detention rate in return decisions issued under L 3907/2011 was 64.3%:



Source: Ministry of Citizen Protection, Reply to parliamentary question, 27 Sep 2024

Detention with no prospect of removal

The main nationalities of people placed in immigration detention in the first half of the year were Egypt (2,333), Afghanistan (2,173) and Syria (1,828):



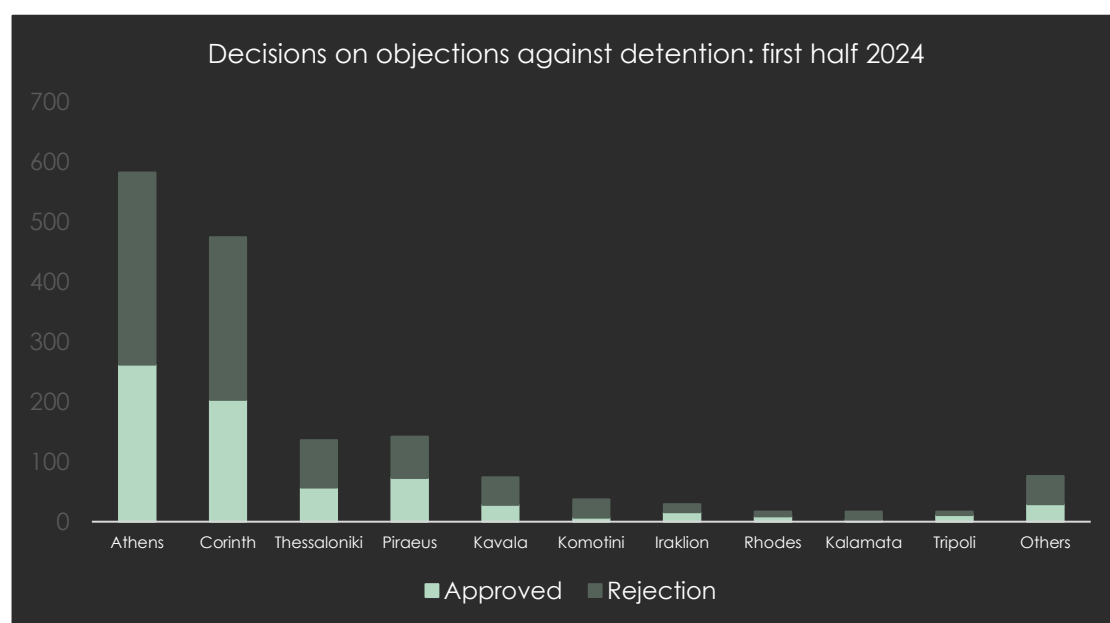
Source: Ministry of Citizen Protection, Reply to parliamentary question, 27 Sep 2024

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

2,256 objections against detention were filed during the first half of 2024. This means that less than one out of five detention orders were challenged before the courts. The aforementioned barriers to access to the administrative appeal against return and deportation decisions, coupled with complete absence of free legal assistance, undermine access to this remedy.

The overwhelming majority of objections against detention were lodged with the Administrative Court of Athens (1,165). A large number were also filed with the Administrative Courts of Corinth (521), Piraeus (149) and Thessaloniki (139). 44% of objections against detention processed on the merits by the administrative courts in the first half of 2024 were granted:



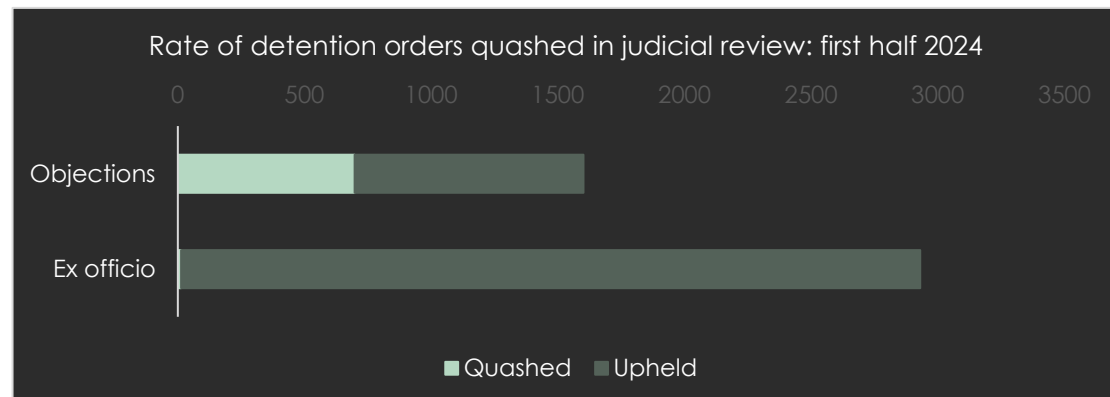
Source: Ministry of Justice, Reply to parliamentary question, 19 Aug 2024

This year 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: first half 2024					
	Asylum (L 4939/2022)		Return (L 3907/2011)		Quashed percentage
	Quashed	Upheld	Quashed	Upheld	
Corinth	0	1,721	0	0	0%
Kavala	0	325	0	104	0%
Komotini	0	278	0	24	0%
Athens	0	190	8	160	2.3%
Others	0	51	5	21	6.9%
Total	0	2,565	13	353	0.4%

Source: Ministry of Justice, Reply to parliamentary question, 19 Aug 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 44% of detention orders brought before them through objections but found no more than 0.4% of orders they reviewed *ex officio* to be unlawful

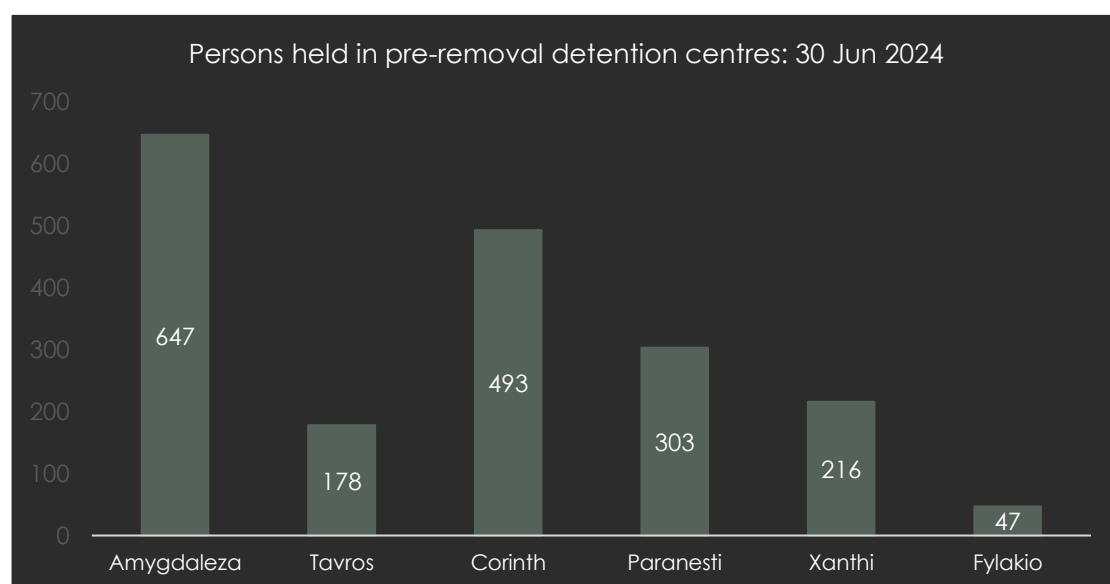


Source: Ministry of Justice, Reply to parliamentary question, 19 Aug 2024

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 yet to provide free legal assistance to persons held in immigration detention.

Detention conditions

The number of people held in immigration detention at the end of June 2024 was 2,306 i.e. at similar levels to the end of 2023. Of those, 1,884 were held in six pre-removal detention centres and 422 in police stations throughout the territory:



Source: Ministry of Citizen Protection, Reply to parliamentary question, 27 Sep 2024

Egypt (816) was the main country of origin of persons in detention at the end of the first semester of 2024, mainly in Amygdaleza (257) and Paranesti (207). The second country

of origin was Pakistan (607), whose nationals were held mainly in Corinth (297) and Amygdaleza (169).

The Ministry of Citizen Protection reply to parliamentary questions did not provide data on Health Units SA (Ανώνυμη Εταιρία Μονάδων Υγείας, AEMY) personnel operating in pre-removal detention centres, including health professionals, administrative staff and interpreters. These figures, however, have been supplied by the Greek authorities to the Council of Europe Committee of Ministers in the context of supervision of the execution of the *M.S.S. v. Belgium and Greece* ruling as follows:

AEMY staff by pre-removal centre: 30 Jun 2024						
Profile	Amygdaleza	Tavros	Corinth	Paranesti	Xanthi	Fylakio
Doctors	0	1	1	0	1	1
Nurses	2	3	2	3	2	1
Psychologists	1	1	1	1	0	1
Social workers	2	1	0	0	1	1
Interpreters	2	1	1	0	1	1
Health visitors	2	1	2	0	0	0
Administrative staff	0	1	1	1	1	1
Total	9	9	8	5	6	6

Source: Greek government, Action Plan in the *M.S.S. v. Greece* group of cases, 20 Aug 2024, available [here](#)

These figures still point to critical shortages in health care for people held in immigration detention. For instance, no doctor was present in Amygdaleza and Paranesti, accounting for almost half of the immigration detention population in Greece.



<https://rsaegean.org/en/immigration-detention-greece-first-half-2024>



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