Policy Note

Criminalisation of stay

October 2026

Statistics on criminalisation of “illegal” stay, entry and exit in Greece: first half of 2026



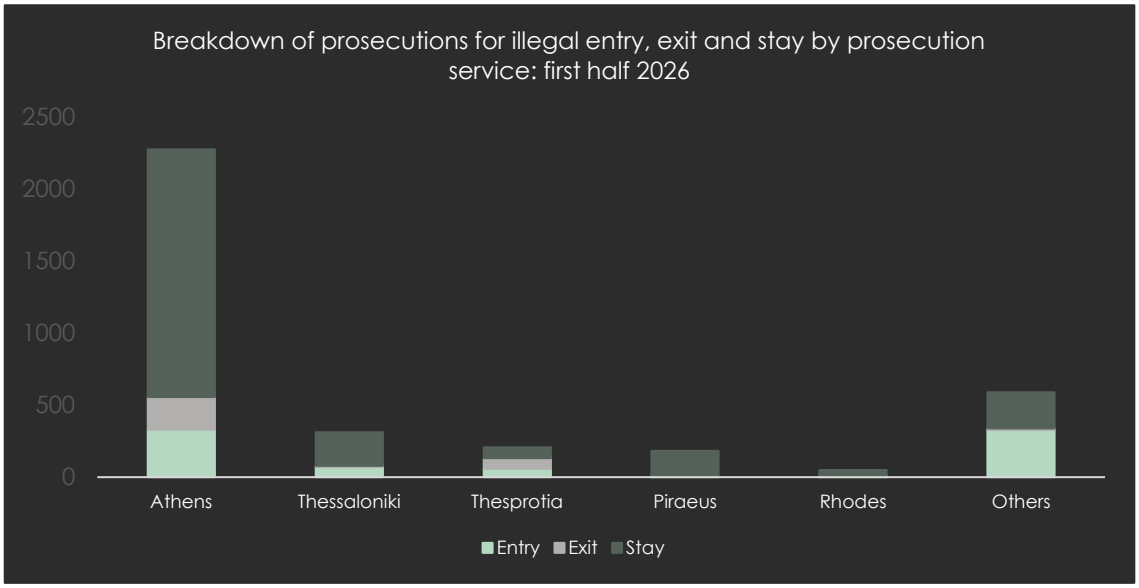
RSA REFUGEE SUPPORT AEGEAN

Statistics on criminalisation of "illegal" stay, entry and exit in Greece: first half of 2026

Thousands prosecuted, over 300 behind bars in prisons and detention centres

More than 3,500 people were criminally prosecuted in Greece for "illegal" entry, exit and stay offences in the first half of 2026 according to the latest official statistics. Risks of unfair penalisation of refugees have been exacerbated by the absence of means of access to the asylum process in mainland Greece following the entry into application of the New Pact on Migration and Asylum.

The Ministry of Justice replied to parliamentary questions with data from 56 out of 63 prosecution services in Greece, referring to a total of **3,619** prosecutions for the aforementioned offences. As of September 2025, said offences are punishable by a term of imprisonment of at least two years. Prosecutions include **2,498** cases for stay, **797** for entry and **324** for exit from Greece.

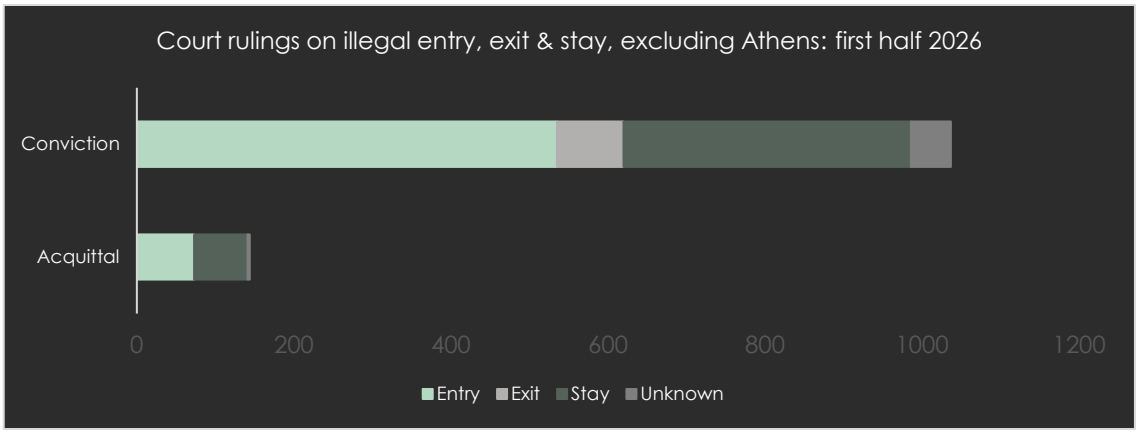


Source: Ministry of Justice, Reply to parliamentary question, 31 Aug 2026

Almost two out of three criminal cases in Greece stem from Athens. The Public Prosecutor of Athens initiated prosecution in **1,721** cases for stay, **329** for entry and **228** for exit throughout the first half of the year.

Still in 2026, Greek justice data are marred by critical quality gaps as regards court rulings in cases of criminalisation of entry and stay. The data supplied in response to parliamentary questions cover only 74 out of the 113 Greek courts of first instance.

Importantly, no data were provided for the Court of Athens which accounts for the majority of case files.



Source: Ministry of Justice, Reply to parliamentary question, 31 Aug 2026

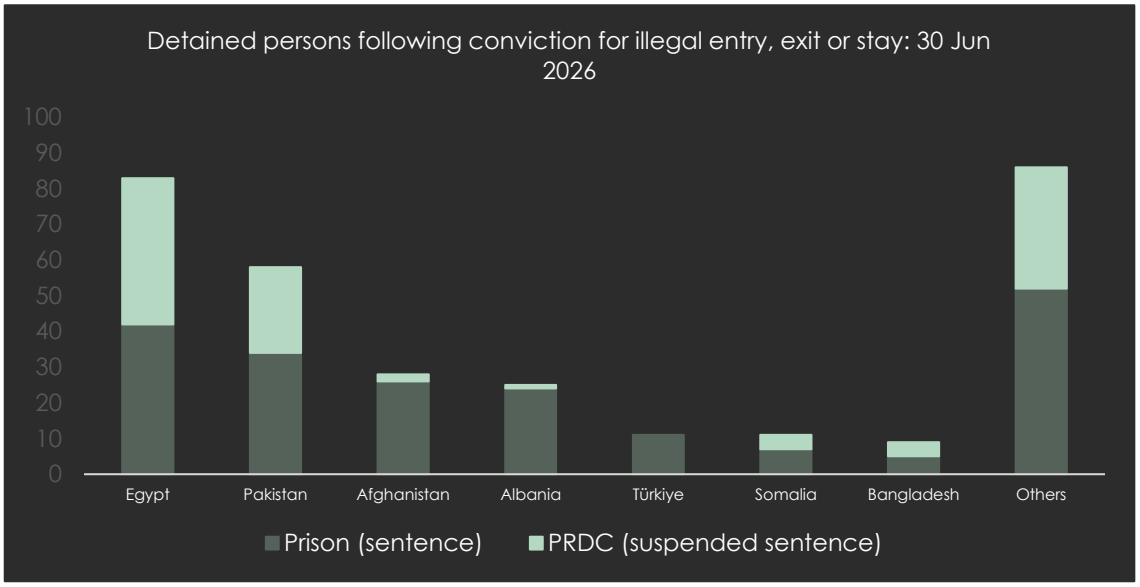
Available figures were given for **1,182** decisions. These show again in 2026 that most cases resulted in conviction before Greek criminal courts (**1,037**). Out of a total of **1,037** convictions handed down across 74 courts of first instance, **535** concern illegal entry and **366** illegal stay. We stress that the number of convictions is estimated to be significantly higher since the above statistics do not include the Court of Athens.

462 of the aforementioned convictions were delivered in summary proceedings (*in flagrante delicto*), within extremely short time from arrest. Most of those concern stay (**317**).

Furthermore, the Ministry of Justice states that only **392** of the 1,037 convictions were appealed. In **607** cases, the sentence was suspended upon defendants' expression of intent to immediately depart from Greece; the sole ground for suspension of the sentence under Greek law.[1] Even in the event of such a suspension, however, convicted persons remain detained in prisons or in pre-removal detention centres (PRDC) of the Hellenic Police until they leave the country.

311 people were behind bars following a conviction for illegal stay, entry or exit offences at the end of June 2026. Specifically, **201** served an imprisonment sentence in prisons, while **110** were administratively detained in PRDC on a suspended sentence after expressing the intention to immediately depart from Greece:

[1] Greek courts have ruled the prohibition on suspension or conversion of the imprisonment sentence to be unconstitutional: Single-Judge Misdemeanour Court of Athens, 5550/2025.



Source: Ministry of Citizen Protection, Reply to parliamentary question, 30 Jul 2026

The Ministry of Citizen Protection did not provide data on the number of people who remained detained in prisons after expressing the intention to leave the country.

The two main nationalities of people criminally detained in prisons or administratively detained in PRDC after a conviction for illegal stay, entry or exit are Egypt and Pakistan. The main countries of origin of people deprived of their liberty due to the implementation of the aforementioned criminal measures still include Afghanistan, whose nationals mostly obtain asylum in Greece. Latest figures of the Asylum Service for the first half of 2026 point to a recognition rate exceeding 96% for asylum applications concerning Afghanistan.

The entry into application of the New Pact on Migration and Asylum has severely exacerbated criminalisation of people seeking asylum in Greece, given that people already present on Greek territory no longer have avenues to access the asylum process as of 12 June 2026. In early July, a single mother with two children from Syria appeared before the Reception and Identification Centre (RIC) of Malakasa managed by the Reception and Identification Service (RIS) to seek asylum. She showed proof of her unsuccessful attempt to book a registration appointment via the online platform of the Ministry of Migration and Asylum, no longer in operation. The RIC denied them entry and called the Police. The family was arrested, detained in squalid conditions in a police station and brought before the Public Prosecutor to be tried for illegal stay. Only upon our complaint to the RIS and to the Ombudsman and our appeal against their return decision was the family transferred by the Police to RIC Malakasa.

In early September, three single-parent families from Syria and Afghanistan who appeared with their children at the entrance of RIC Malakasa to seek asylum were also arrested after the RIS called the Police. The mothers were brought to a police station and

separated from their children who were taken under custody in a public hospital. The three mothers were brought to the Court of Athens on the next day and the day after to be tried for illegal stay offences in summary proceedings. RSA represented the women before the Cour which postponed the hearing of the cases and ordered that the women be reunited with their children and brought to RIC Malakasa to have their asylum claims registered.

In another two cases represented by RSA, in late September, two women from Afghanistan who appeared at RIC Malakasa to seek asylum were arrested and sentenced to two years' imprisonment for illegal stay. One had fled Afghanistan together with her daughter and grandchildren, who were at risk under Taliban rule. The family had been forcibly separated during the journey. After the arrest, the woman was also separated from the two grandchildren who were with her, without knowing their fate. She was taken to prison until her request for suspension of the execution of her sentence was eventually granted. The other woman had fled conditions of protracted domestic violence together with her teenage daughter. Her sentence was suspended on condition that she return to Afghanistan immediately.

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