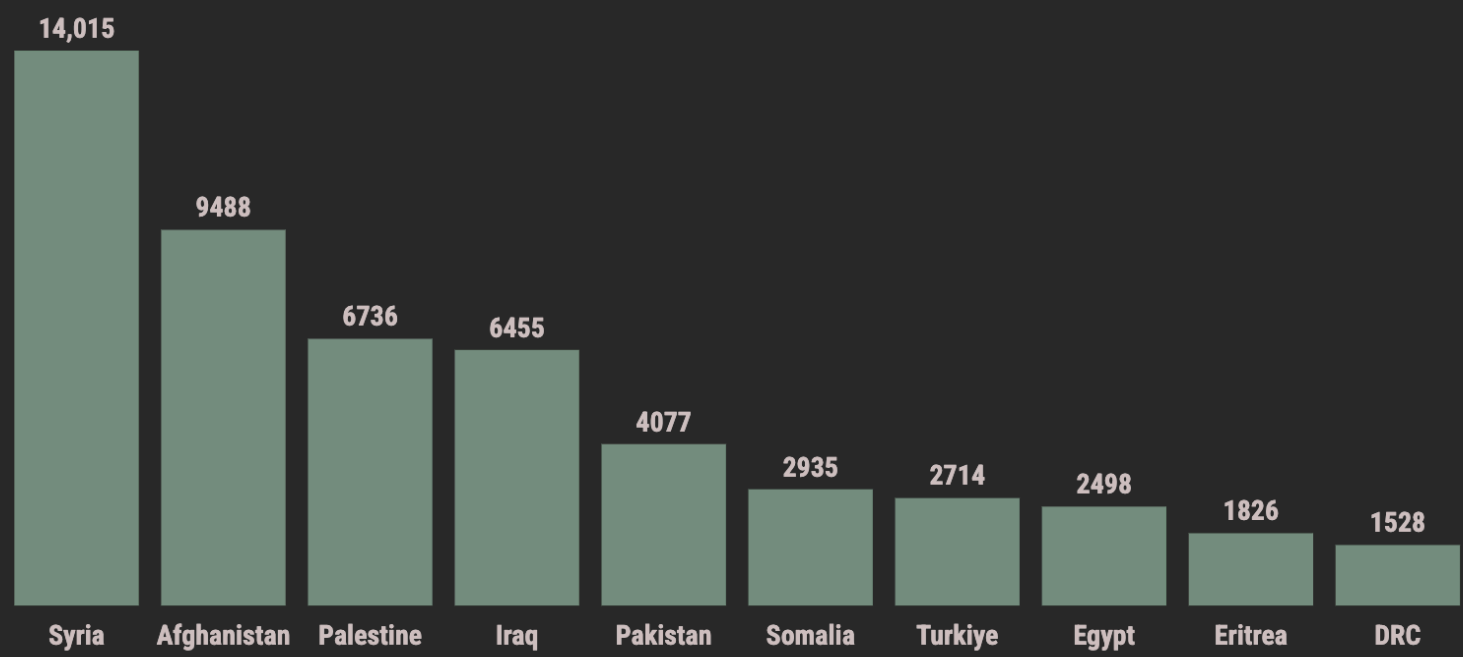


THE GREEK ASYLUM PROCEDURE IN 2023

Clear need of international protection for most
asylum seekers in Greece

JUNE 2024

Main countries of origin of asylum seekers: 2023



The Greek asylum procedure in 2023

Clear need of international protection for most asylum seekers in Greece



Asylum applications

- 57,783** initial asylum applications, lodged mainly on the islands
- 6,326** subsequent asylum applications, including **994** following an inadmissible initial claim. **852** subsequent applications were subject to a 100 € fee per person



First instance procedure at the Asylum Service

- 76.6%** recognition rate, based almost exclusively on refugee status
- 98%** recognition rate in the border procedure
- 5,164** manifestly unfounded rejections, notably on “safe country of origin” grounds
- 3,444** inadmissibility decisions on “safe third country” grounds, almost exclusively regarding Türkiye. Of those, **1,258** were taken in the border procedure.
- 4,254** inadmissibility decisions on subsequent applications without new elements
- 29,885** pending cases at first instance, including **14,142** awaiting an interview



Second instance procedure at the Appeals Committees

- 10,973** appeals, of which **6,892** obtained free legal assistance from the Registry of Lawyers of the Asylum Service
- 1,610** appeals dismissed due to failure to appear in person
- 1,523** appeals dismissed due to late submission
- 409** oral hearings at the appeal stage
- 14.8%** recognition rate at second instance, through more regular use of subsidiary protection



Judicial review at the administrative courts

- 1,589** pending judicial review applications at the Administrative Courts of Athens and Thessaloniki
- 22.6%** approval rate for judicial review applications

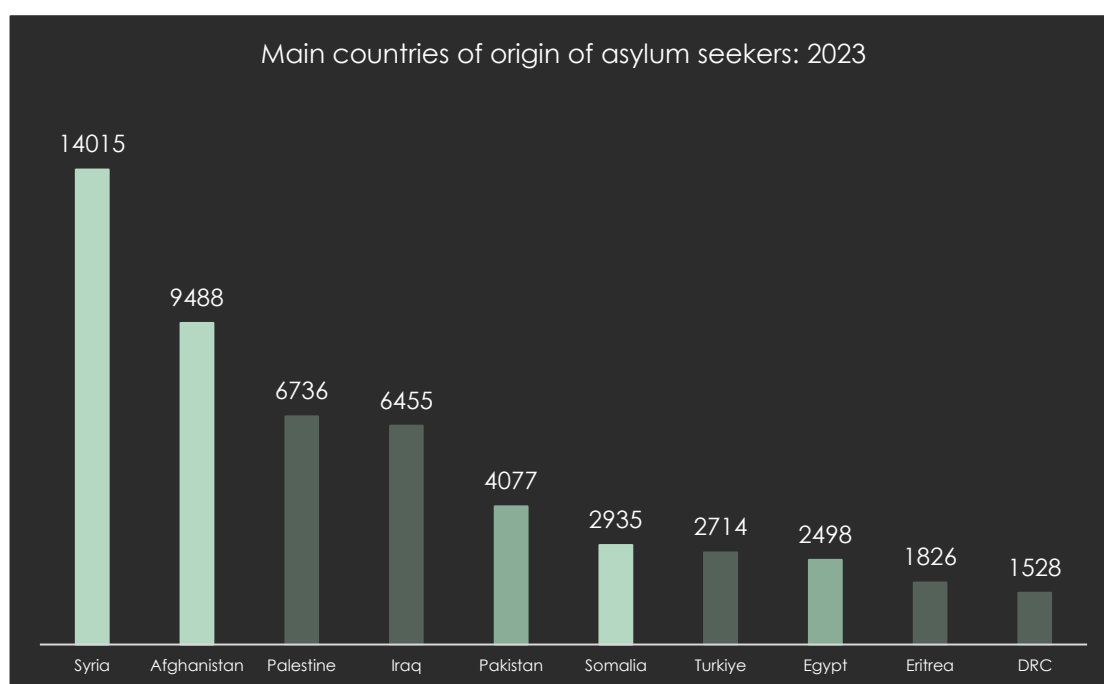
This note analyses monthly statistics published by the Ministry of Migration and Asylum [here](#), together with figures provided in response to parliamentary questions [here](#).

Access to the procedure

Official statistics of the Greek authorities refer to a total of 40,365 arrivals in Greece in 2023. Of those, 7,079 were arrivals from the Evros land border, 39,016 on the Aegean islands from the Eastern Mediterranean, and 2,370 on points such as Crete and the Peloponnese from the Central Mediterranean.¹ For its part, the Reception and Identification Service (RIS) of the Ministry of Migration and Asylum registered a total of 55,785 people in reception and identification procedures, mandatory for every person arriving or present in the country without documentation.² Of those, 5,310 were registered in Evros, 36,840 in the Closed Controlled Access Centres (CCAC) on the islands and 14,085 on the mainland.

The responsible authorities for receiving asylum applications, the Asylum Service and the RIS,³ registered a total of 64,084 asylum seekers last year.⁴ This represents a significant increase on 2022 when a total of 37,362 were registered. 57,853 of those (over 90%) lodged initial asylum applications. That figure well exceeds the number of recorded arrivals, as well as the number of people subjected to reception and identification procedures.

The main nationalities of asylum seekers registered last year were as follows:



Source: Ministry of Migration and Asylum, Statistics, Jan-Dec 2023

Main countries of origin of asylum seekers include Syria, Afghanistan and Somalia. Greece has designated Türkiye as a safe third country for nationals of those countries

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

² Articles 38 et seq. Greek Asylum Code, L 4939/2022, Gov. Gazette A' 111/10.06.2022.

³ Article 1 (q) Greek Asylum Code.

⁴ Based on aggregate of data in the monthly reports of the Ministry of Migration and Asylum.

based on a national list of safe third countries.⁵ The same applies to nationals of Pakistan. Pakistan and Egypt are classified as “safe countries of origin” in a different national list.⁶

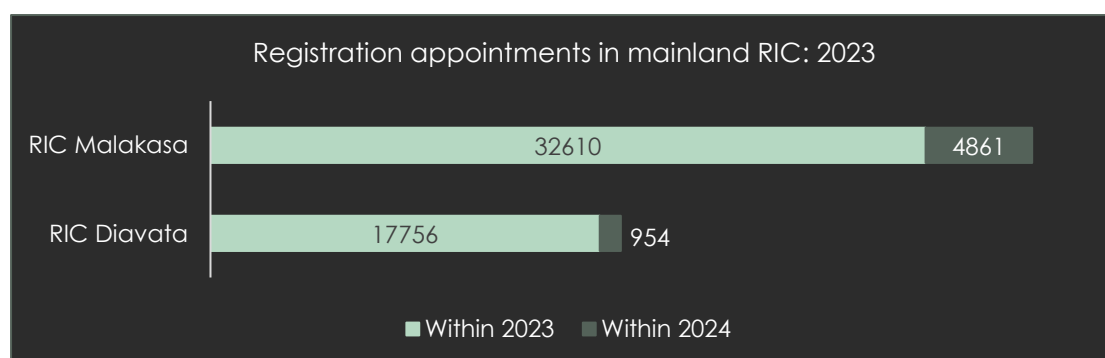
Place of registration

As a rule, initial asylum applications are lodged with the RIS upon completion of reception and identification procedures, according to a Ministry of Migration and Asylum circular.⁷ The overwhelming majority of the 57,853 initial asylum claims lodged in 2023 were in fact lodged before regional RIS services, i.e. the five Closed Controlled Access Centres (CCAC) on the Eastern Aegean islands, the Reception and Identification Centres (RIC) in Fylakio, Diavata and Malakasa, and the Mobile Registration Unit deployed in Sintiki, Serres.



Source: Ministry of Migration and Asylum, Statistics, Jan-Dec 2023

Specifically as regards access to the asylum procedure on the mainland, access to RIC Malakasa and RIC Diavata remained possible only following a registration appointment scheduled via an online platform of the Ministry of Migration and Asylum. A total of 56,181 registration appointments for initial asylum applications at these two RIC were booked through the online platform:



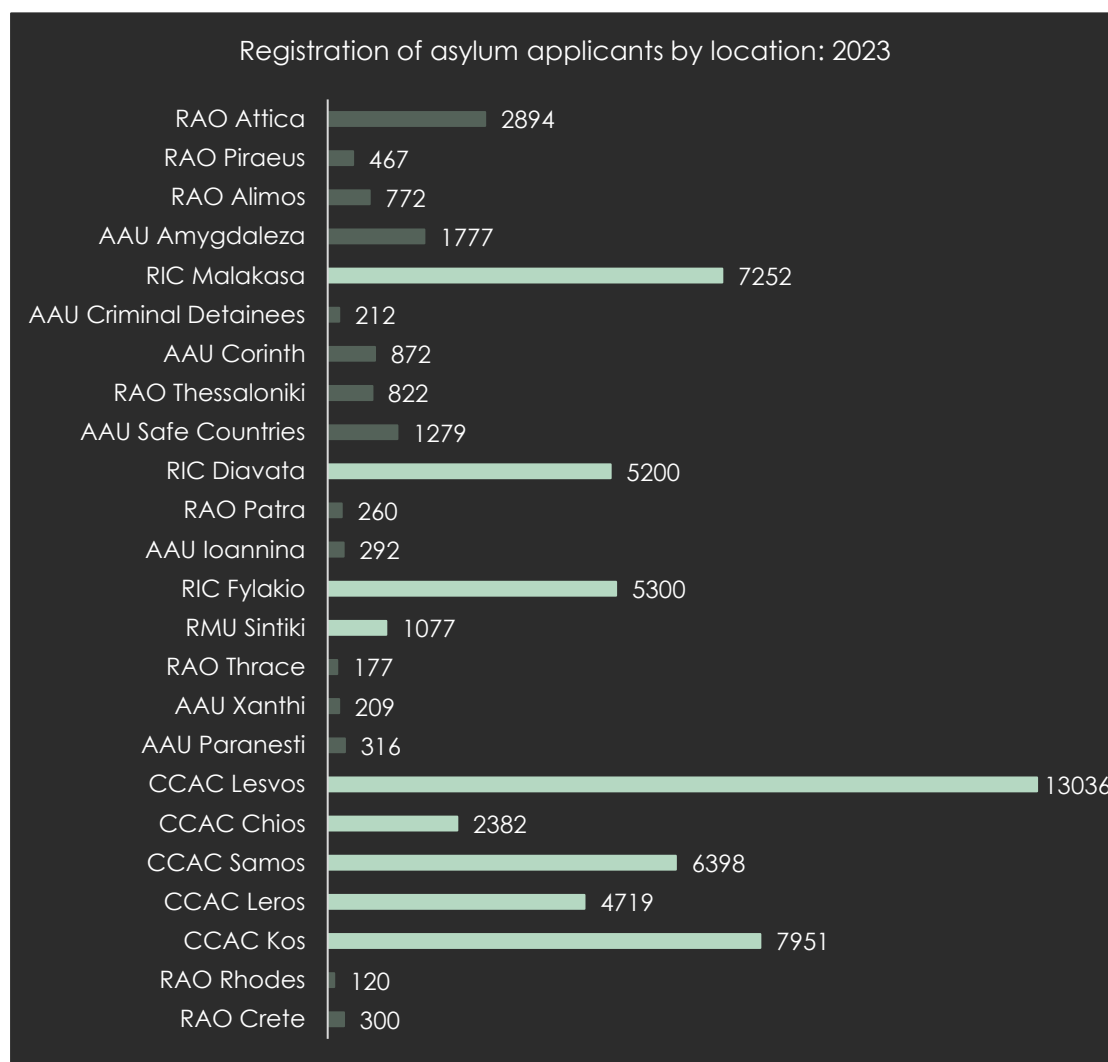
Source: Asylum Service, Reply to parliamentary question, 10 Jun 2024

⁵ JMD 538595/2023, Gov. Gazette B' 7063/15.12.2023.

⁶ JMD 527235/2023, Gov. Gazette B' 6844/05.12.2023.

⁷ Unaccompanied children, detained and imprisoned persons are exempt. Their cases are registered directly by the Regional Asylum Offices (RAO) and Autonomous Asylum Units (AAU) of the Asylum Service: RSA, *Registration of asylum applications in the new mainland RIC in Greece*, February 2023, available [here](#).

The number of asylum applications, initial and subsequent, lodged by RAO / AAU of the Asylum Service or RIC / CCAC of the RIS was as follows:



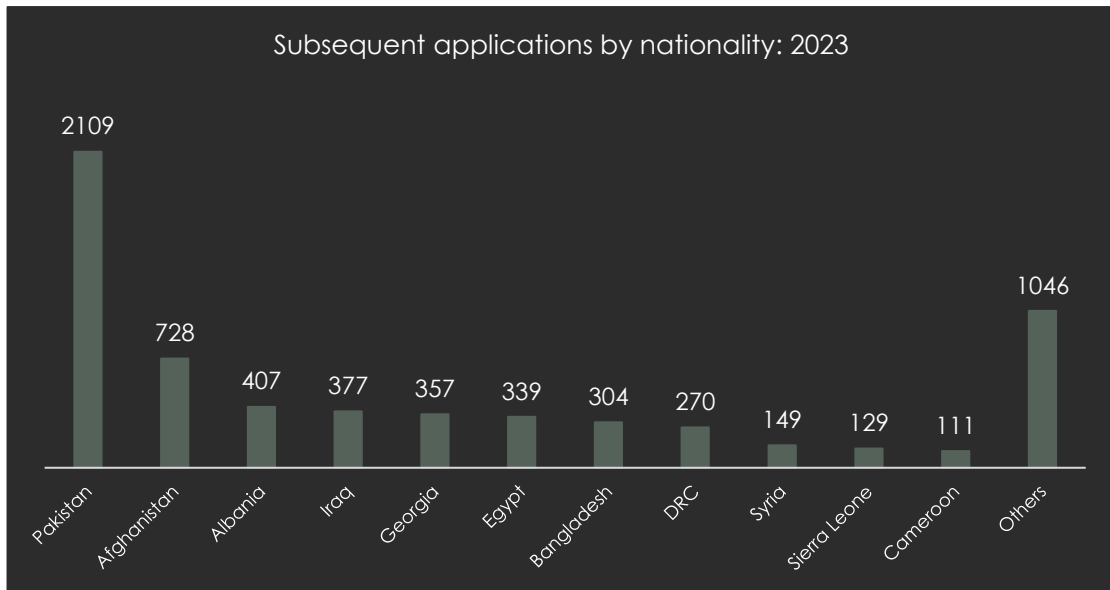
Source: Ministry of Migration and Asylum, Statistics, Jan-Dec 2023

Lesvos and Kos were the primary locations of registration on the Greek territory. Over 50% of asylum applications were registered on the Eastern Aegean islands.

Subsequent applications

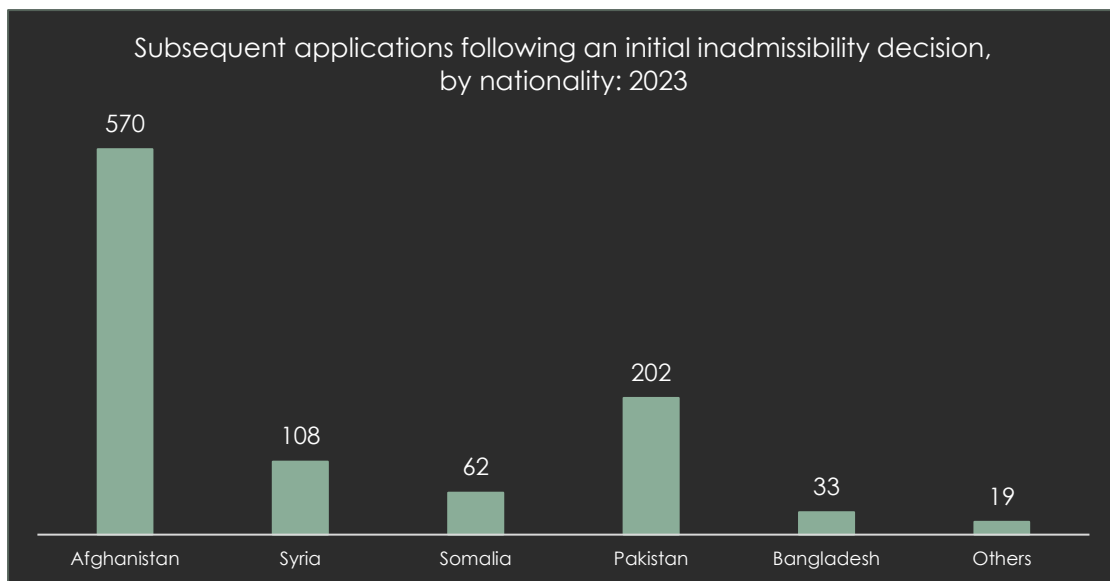
Subsequent asylum applications are lodged with the RAO and AAU of the Asylum Service. According to figures released by the Asylum Service in response to parliamentary questions, a total of 6,326 subsequent asylum applications following a final decision on the initial claim were lodged last year.⁸ The main countries of origin of applicants lodging subsequent applications were as follows:

⁸ Note a discrepancy between the total number cited in the reply to parliamentary questions (6,326) and the aggregate of subsequent applications in the monthly reports of the Ministry of Migration and Asylum (6,301).



Source: Asylum Service, Reply to parliamentary question, 10 Jun 2024

Useful disaggregation in Asylum Service statistics is provided with regard to the number of subsequent applications lodged after the initial claim was dismissed as inadmissible without an assessment on the merits. This applies to 994 subsequent applications, lodged almost exclusively by nationals of the five countries (Afghanistan, Syria, Somalia, Pakistan, Bangladesh) for whom Türkiye is considered a "safe third country" and to whom a related inadmissibility ground is applied:⁹



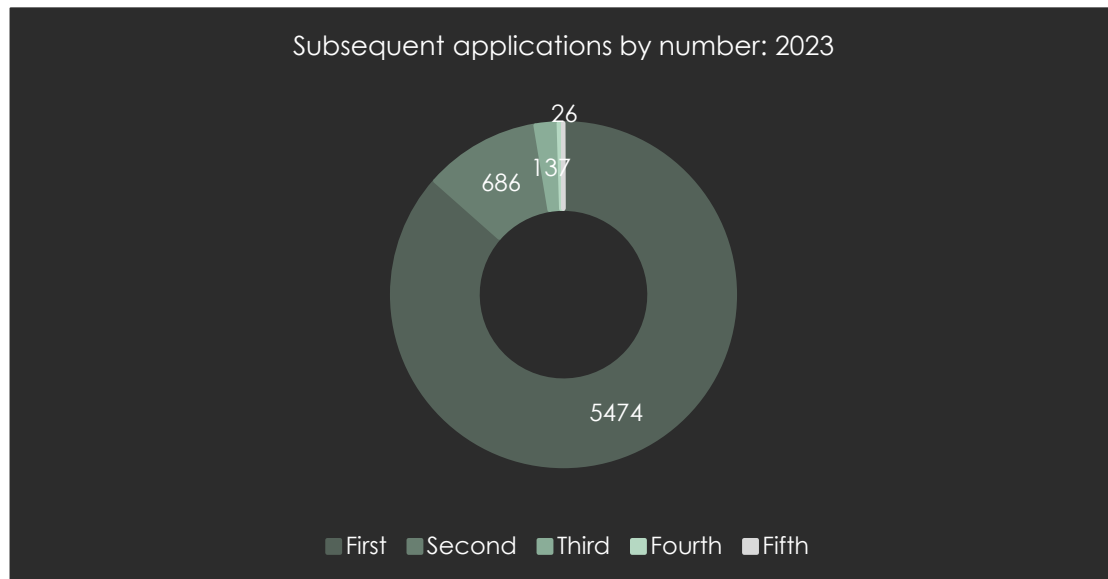
Source: Asylum Service, Reply to parliamentary question, 10 Jun 2024

Out of a total 6,326 subsequent asylum applications lodged last year, 852 were second or further subsequent applications. These are subject to a 100 € fee per person according to Greek legislation;¹⁰ the only EU Member State with such a rule.

⁹ Article 91 Greek Asylum Code; JMD 538595/2023. See also RSA & PRO ASYL, *The Concept of "Safe Third Country": Legal Standards & Implementation in the Greek Asylum System*, February 2024, available [here](#).

¹⁰ Article 94(10) Greek Asylum Code; JMD 472687/2021, Gov. Gazette B' 6246/27.12.2021.

Accordingly, more than 85,000 € were paid to the Greek state in 2023 for the purposes of access to the asylum process under that rule. The Greek Council of State is yet to pronounce itself on the legality of this provision in the context of judicial review applications lodged in February 2022 and examined no earlier than May 2024.



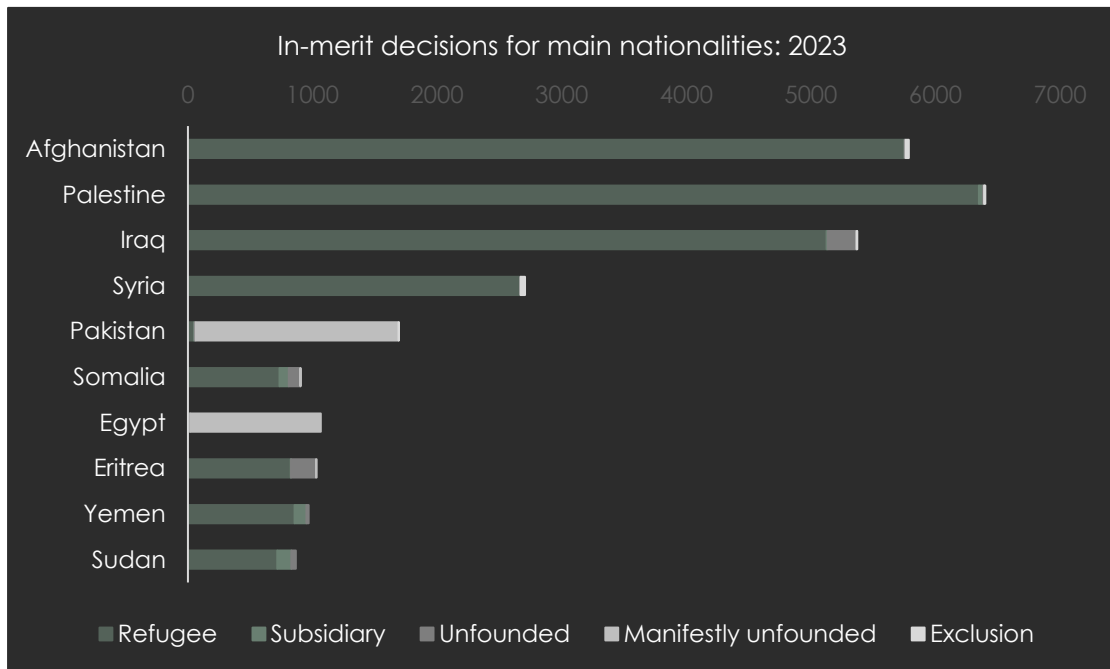
Source: Asylum Service, Reply to parliamentary question, 10 Jun 2024

Second or further subsequent applications were mainly lodged by nationals of Pakistan (359), Iraq (109), Albania (67) and Afghanistan (54).

First instance procedure at the Asylum Service

According to official figures, the Asylum Service issued 52,314 first instance decisions throughout 2023. 30,423 of those were decisions on the merits.

More than ¼ of asylum claims processed on the merits by the Asylum Service were granted and the recognition rate at first instance increased from 62.3% in 2022 to 76.6% in 2023. Specifically, last year the Asylum Service issued 24,347 refugee status decisions, 590 subsidiary protection decisions and 7,590 rejections on the merits.



Source: Asylum Service, Reply to parliamentary question, 10 Jun 2024

Recognition rates remained extremely high for the main countries of origin of people seeking protection in Greece: over 99% for Palestine and Afghanistan, over 98% for Syria and Yemen, over 95% for Sudan and Iraq, and almost 90% for Somalia. Official data of the Greek authorities therefore confirm that most people making an application for international protection in Greece are manifestly in need of international protection.¹¹

The majority of rejections concerns manifestly unfounded applications (5,164) rejected under the accelerated procedure,¹² almost exclusively based on the national list of “safe countries of origin”. Manifest unfoundedness decisions were taken primarily in the case of nationals of Pakistan (1,631), Egypt (1,050), Bangladesh (522), Albania (503), India (485) and Georgia (404).

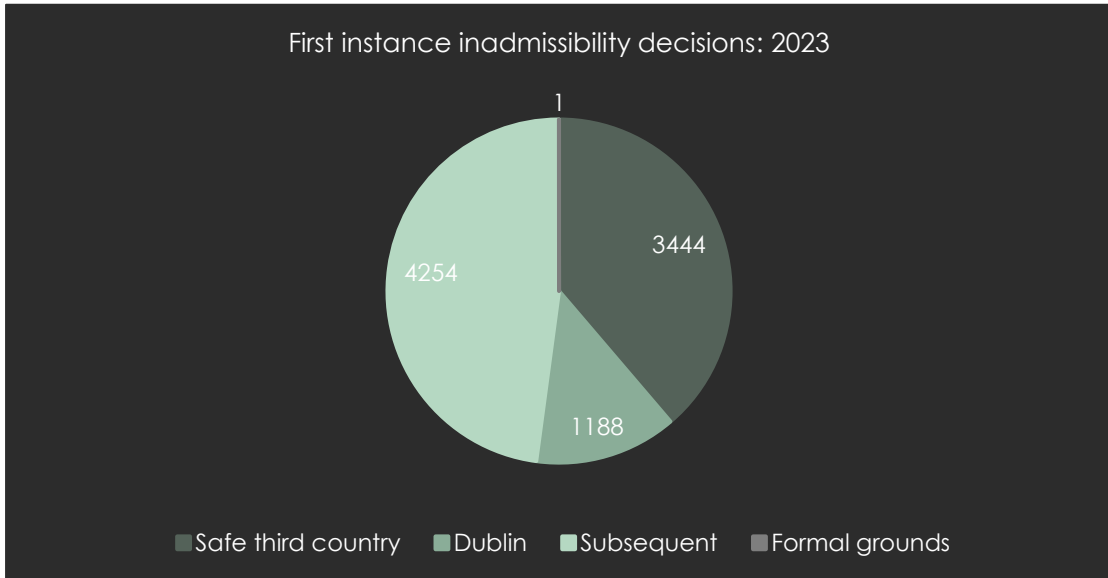
Inadmissible applications

The Asylum Service dismissed 8,888 asylum applications as inadmissible based on applicable inadmissibility grounds,¹³ without an examination on the merits and on qualification for refugee status or subsidiary protection.

¹¹ Hence, the Asylum Service often resorted to the provisions permitting omission of the personal interview: Article 82(7) Greek Asylum Code.

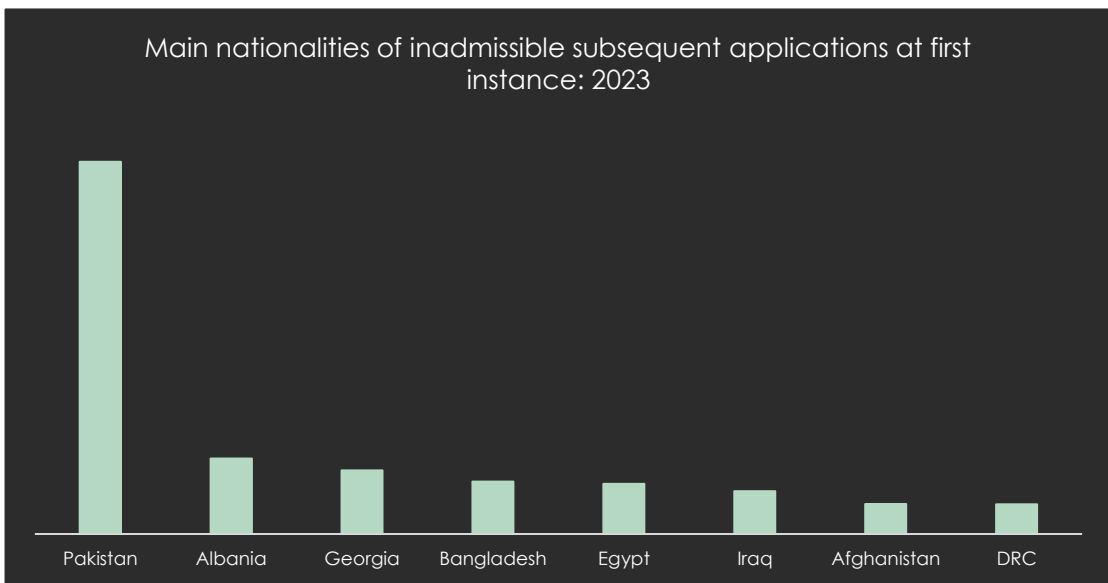
¹² Article 88(9) Greek Asylum Code.

¹³ Article 89(1) Greek Asylum Code.



Source: Asylum Service, Reply to parliamentary question, 10 Jun 2024

Subsequent applications without new elements continue to be the primary ground for inadmissibility.¹⁴ The 4,254 inadmissibility decisions relating to subsequent applications mostly concern the following countries:



Source: Asylum Service, Reply to parliamentary question, 10 Jun 2024

The “safe third country” concept remains the second main ground of inadmissibility of asylum applications. This is applied based on a national list designating Türkiye as a “safe third country” for five nationalities, and Albania and North Macedonia for all applicants.

In practice, however, the “safe third country” concept is still applied almost exclusively vis-à-vis Türkiye. 3,360 first instance inadmissibility decisions concerned Türkiye,

¹⁴ Article 94(2) Greek Asylum Code.

compared to no more than 61 for North Macedonia and 23 for Albania. The countries of origin of applicants to whom the concept was applied were as follows:

First instance safe third country decisions: 2023					
Türkiye		North Macedonia		Albania	
Syria	1,460	India	32	Egypt	8
Somalia	848	Nepal	15	Nepal	4
Afghanistan	730	Cuba	8	Iran	3
Pakistan	242	Albania	2	Bangladesh	3
Bangladesh	51	Kosovo	2	Kosovo	2
Palestine	29	Türkiye	2	Syria	1
				Morocco	1
				Algeria	1

Source: Asylum Service, Reply to parliamentary question, 10 Jun 2024

Judicial review of the legality of the national list of safe third countries and of the application of the “safe third country” concept vis-à-vis Türkiye is pending before the Greek Council of State, in anticipation of the judgment of the Court of Justice of the European Union (CJEU) on a preliminary reference relating to the interpretation of the concept.¹⁵

Border procedure

In 2023, Greece continued to systematically apply the border procedure to cases of people making an asylum claim inside the CCAC on the Eastern Aegean islands, contrary to the prohibition on applying such a procedure to applications that are not made “at the border” or “in transit zones”.¹⁶

In addition, as consistently highlighted by RSA, asylum applications are permissibly examined in the border procedure only on admissibility or on any of the grounds for applying the accelerated procedure on the merits.¹⁷ The border procedure must not therefore substitute the regular procedure as a tool for assessing the merits of applications that are not considered manifestly unfounded.¹⁸

The Asylum Service took 7,662 decisions in the border procedure in 2023. Only 1,258 of those were inadmissibility decisions and 55 were rejections due to manifest unfoundedness. Therefore, the majority of decisions (6,349) exceed the boundaries of the border procedure and should have been channelled into the regular procedure. Not a single application was exempted from the border procedure on grounds of vulnerability and need for special procedural guarantees.¹⁹

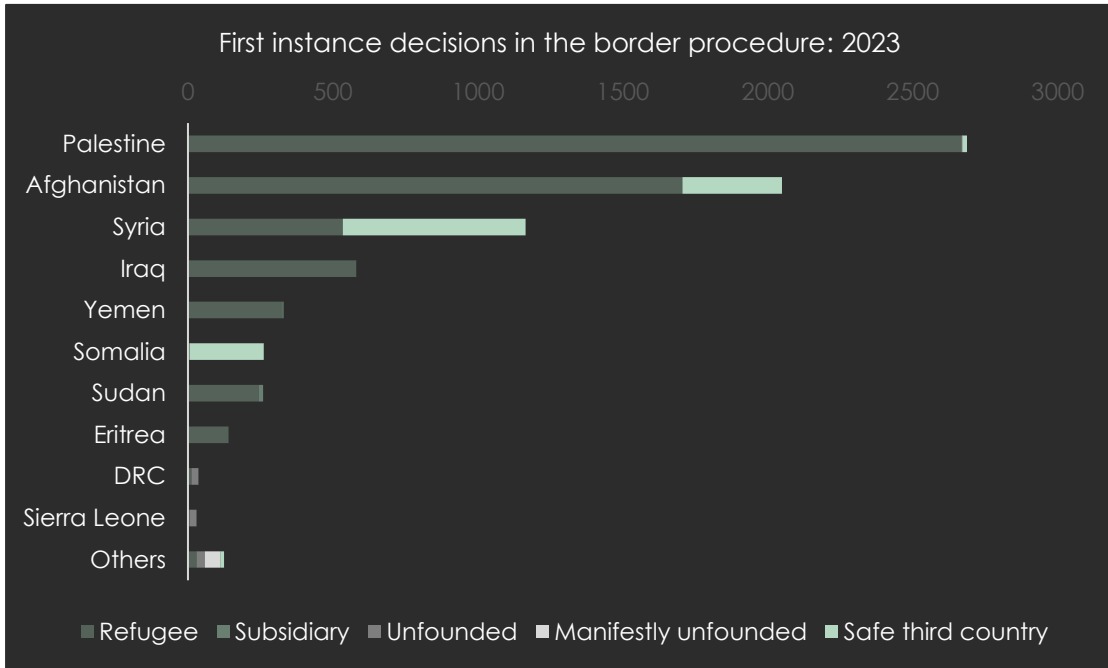
¹⁵ CJEU, C-134/23 *Elliniko Symvoulío gia tous Prosfyges*, Opinion, 13 June 2024.

¹⁶ Article 95(1) Greek Asylum Code.

¹⁷ Articles 88(9) and 95(1) Greek Asylum Code.

¹⁸ Bearing in mind that this procedure offers lower safeguards. In that regard, Administrative Court of Athens, 54/2023; Administrative Court of Appeal of Piraeus, A65/2023; A296/2021; A292/2021; A94/2021; A106/2020.

¹⁹ Article 72(3) Greek Asylum Code.



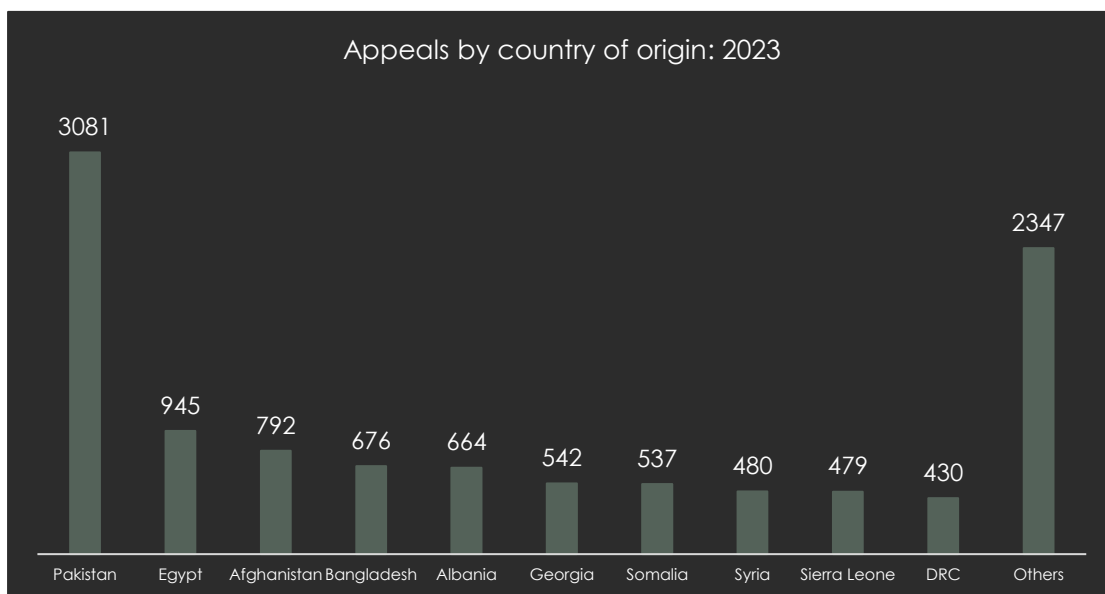
Source: Asylum Service, Reply to parliamentary question, 10 Jun 2024

Out of 6,404 in-merit decisions issued in the border procedure, 6,271 were positive. This points to an extremely high recognition rate of 98%, compared to an already high overall recognition rate of 76.6%.

Second instance procedure at the Appeals Committees

Appeals

10,973 appeals against Asylum Service were lodged with the Appeals Authority last year. The main countries of origin of appellants include countries designated as "safe countries of origin", as well as all the countries for whose nationals Türkiye is designated as a "safe third country":



Source: Ministry of Migration and Asylum, Statistics, Jan-Dec 2023

Requests for free legal assistance by the Registry of Lawyers of the Asylum Service were submitted in 6,892 cases, i.e. 62% of appeals. The majority of such requests were submitted in Attica (3,038), followed by Corinth (1,193), Thessaloniki (666) and Lesbos (555).

Examination of appeals

The Appeals Committees issued a total of 12,626 second instance decisions throughout 2023. Appeals were examined through an oral hearing only in 409 cases.²⁰

1,610 appeals were dismissed due to failure on the part of the appellant to appear in person or to submit a certificate of residence in a reception facility in due time upon examination of the appeal,²¹ even though such failure is often attributed to a lack of capacity on the part of the authorities. This rule poses serious risks to the right to an effective remedy insofar as it results in dismissal of appeals regardless of appellants' protection needs. The legality of this rule is the subject matter of a pending preliminary reference before the CJEU.²²

The Appeals Committees also dismissed 1,523 appeals due to late submission in 2023.

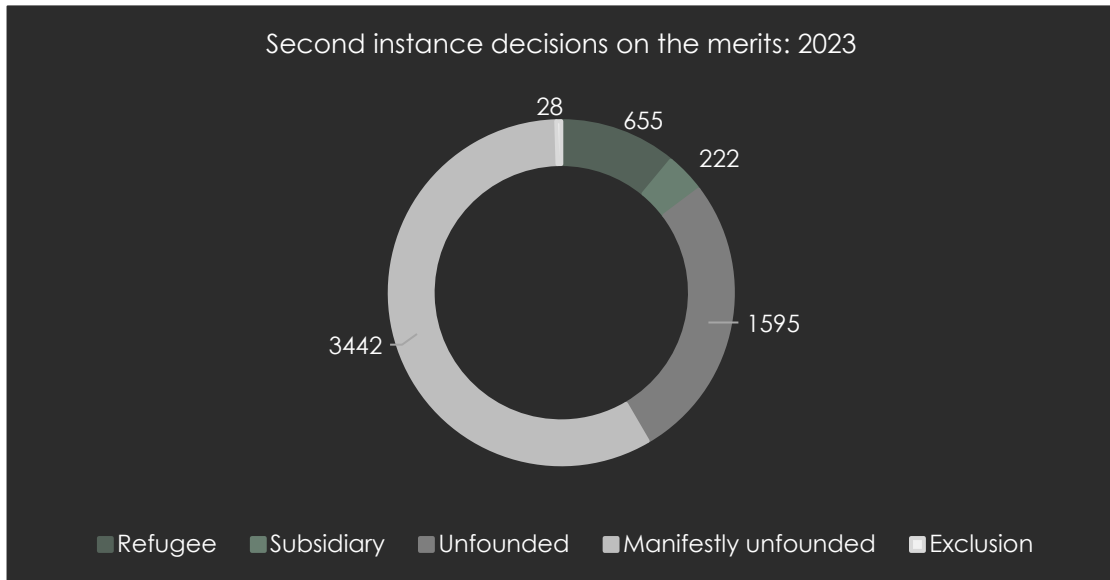
²⁰ Based on Article 102(3) Greek Asylum Code.

²¹ Due to persisting inconsistency in Asylum Code provisions, 1,599 of those were rejected as manifestly unfounded based on Article 102(3) of the Code and 11 as implicitly withdrawn based on Article 83(3) of the Code.

²² CJEU, C-610/23 *Al Nasiria*, Reference of 3 October 2023.

Decisions on the merits

Out of 12,626 second instance decisions issued last year, 5,942 were decisions on the merits of asylum applications:



Source: Appeals Authority, Reply to parliamentary question, 10 Jun 2024

The above figures demonstrate an overall second instance recognition rate of 14.8% for 2023, slightly higher compared to 11.8% in 2022.

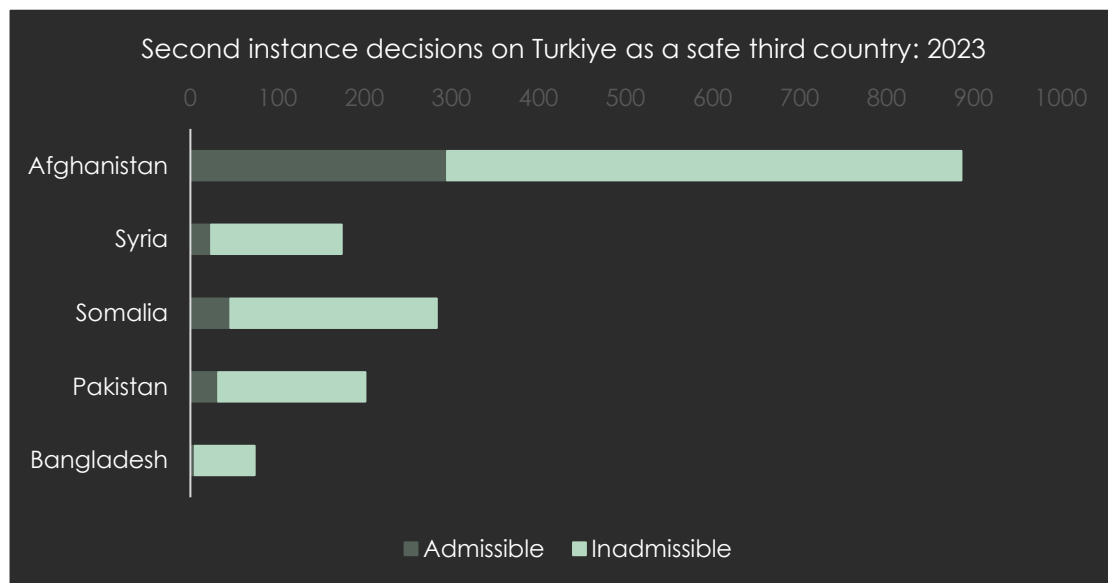
An important distinction in the practice of Appeals Committees compared to the Asylum Service still lies in the more regular use of subsidiary protection. Appeals Committees issued 222 subsidiary protection decisions, compared to 655 refugee status decisions. This trend continues to raise concerns of potential deficiencies in the assessment of the merits of asylum applications, bearing in mind that only a handful of cases are examined by way of oral hearing before the Appeals Committees. This seems to be reflected in the fact that 68 of the 222 subsidiary protection decisions concern people fleeing Afghanistan, who are overwhelmingly granted refugee status by the Asylum Service.

Inadmissible applications

The Appeals Committees dismissed 3,472 asylum applications as inadmissible – beyond appeals dismissed due to late submission or dismissed as “manifestly unfounded” due to failure to appear in person or to submit a residence certificate upon examination. Here too, main inadmissibility grounds involve subsequent applications without new elements (2,131) and the “safe third country” concept (1,319).

The Appeals Authority has provided more detailed figures on second instance decisions issued on appeals lodged by nationals of the five countries for which Türkiye is considered a “safe third country”. These figures show that most second instance

decisions upheld the Asylum Service inadmissibility decision and did not proceed to an assessment of the case on the merits:²³



Source: Appeals Authority, Reply to parliamentary question, 10 Jun 2024

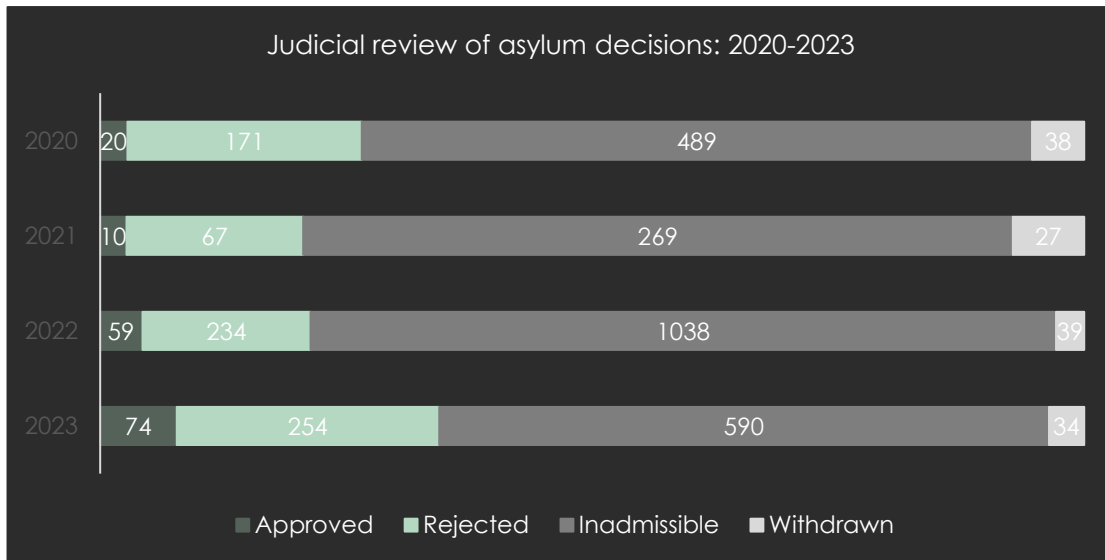
Judicial review at the administrative courts

At the end of 2023, 1,589 applications for judicial review of Appeals Committee decisions were pending before the Administrative Courts of Athens and Thessaloniki. Systematic postponement of the adjudication of asylum cases persists at the administrative courts, pending the Council of State judgment on a preliminary reference on the constitutionality of the single-member composition of the Appeals Committees,²⁴ as well as the CJEU judgment on the preliminary reference relating to the “safe third country” concept.

Ministry of Migration and Asylum statistics depict judicial review of asylum decisions as follows:

²³ Note that the data do not include suspension decisions that may be issued upon annulment of the first instance decision, with a view to ordering an oral hearing at second instance prior to a decision on the merits.

²⁴ Article 5(7) L 4375/2016, Gov. Gazette A' 51/03.04.2016.



Source: Ministry of Migration and Asylum, Statistics, Jan-Dec 2023

These figures show a continuation of the trend of dismissal of most judicial review applications as inadmissible due to non-compliance with admissibility requirements such as power of attorney or payment of fees.

As regards the merits of judicial review, the approval rate at the courts rose from 20% in 2022 to 22.6% in 2023.

Judgments of the administrative courts are amenable to an onward review before the Council of State.²⁵ Only one such application was lodged in 2023 and is still pending.

Pending applications

At the end of last year, 29,885 asylum applications were pending at first instance and 2,845 at second instance. Another 1,589 cases were pending at the stage of judicial review of second instance decisions before the administrative courts.

In 14,142 out of the 29,885 pending cases at first instance, the personal interview with the Asylum Service had not yet taken place. In most of those cases (13,618) the interview had been scheduled for 2024.

The majority (23,341) of pending cases at first instance were pending for less than six months, while 3,352 were pending for over six months and 3,012 for over one year.

²⁵ Article 15(5) L 3068/2002, Gov. Gazette A' 274/14.11.2002.



<https://rsaagean.org/el/diadikasia-asylou-2023>



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