

Member State comments to the 2023 AIDA country report on Greece

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Based on the final draft for the [AIDA country report on Greece](#), we would like to offer you the opportunity to provide your comments on the facts and legislative information presented in the report.

ECRE will only be able to consider comments provided in English within two weeks from the date of receipt, to avoid delays in publication.

Upon request from the Member State, the comments will be published in a separate annex to the country report on the AIDA website.

We look forward to receiving your feedback.

Comments

The template reflects the chapters of the report.

Please ensure that your responses remain within the scope of each section. The comments should be provided in English. Where possible, information provided should be sourced.

You can add or delete rows in each section. There is no fixed length for the contribution.

1. Statistics

Extract from the country report	Page and section	Comments
Moreover, percentage of recognition/rejection rate is calculated on the basis of the total number of decisions (including inadmissible decisions, implicit withdrawals, archived cases, etc.) having as a result a certain underestimation of the international protection recognition rate compared to the actual recognition rate based on the in-merits decision issued	P.9 - Overview of statistical practice	The percentage of recognition/rejection rate is calculated on the basis of the total number of decisions in substance and inadmissibility. This is the exact same methodology applied by all other EU countries.

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Lastly, data on refugee and subsidiary protection status concern decisions issued at both first and second instance, as no separate breakdown is provided by the MoMA.	P.9 - Overview of statistical practice	This is incorrect. For example, see page 15 of Appendix A of April 2024 consolidated report at Report A April-2024 International-Protection Appendix-A NEW.pdf (migration.gov.gr)
Total decisions in year (3): 41,440	P.9 - Applications and granting of protection status at first instance in 2023:	Correction: 41,430
Footnote 3: There are also 9,938 Acts of Interruption (implicit withdrawal) and 949 withdrawals – cases filed, MoMA, Factsheet - December 2023, idib.	P.9 - Applications and granting of protection status at first instance in 2023:	Clarification/Correction: “946 explicit withdrawals and archived applications” instead of “949 withdrawals”.
Refugee status: 23,345	P.9 - Applications and granting of protection status at first instance in 2023:	Correction: 24,345
Eritrea	P.9 - Applications and granting of protection status at first instance in 2023	Repetition of Eritrea. Moreover, the total does not add up.
In merit protection rate (1) (3) (4) : 76.65%	P. 10 - Applications and granting of protection status at first instance: rates for year	Correction: 61.97% (see previous explanation on methodology)
Refugee rate (1) (4) : 74.84%	P. 10 - Applications and granting of protection status at first instance: rates for year	Correction: 60.50%
Subsidiary protection rate (1) (4): 1.81%	P. 10 - Applications and granting of protection status at first instance: rates for year	Correction: 1.47%
* Numbers above refer to in merits Decisions	P. 11 - Comparison between first instance and appeal decision rates: 2023	Appeals are submitted against inadmissibility decisions too. Therefore, comparison of outcomes in merit is not direct. GAS proposes that a special clarification is added.
Decisions on the merits by the Independent Appeals Committees: 2023	P. 77 - Number of appeals and recognition rates at second instance	...The table below includes decisions on admissibility.... Moreover, decisions of other type (e.g. discontinuation, withdrawals, archived cases) are not included in disaggregation.

As in previous years, the recognition rate at second instance was exceptionally low at 6,57%...	P. 77 - Number of appeals and recognition rates at second instance	Correction: 6.95%
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2. Asylum Procedure

Extract from the country report	Page and section	Comments
Table with Laws	“Overview of the legal framework”, p. 12	L. 4939/2022 has been amended by laws 4960/2022, 5027/2023, 5043/2023 and 5078/2023.
A. General - 1. Flow chart	P. 27	First-time asylum applications in RICs at the border and on the mainland are fully registered by RIS. Implicit and explicit withdrawal, as well as otherwise closed cases, should be included in the chart.
Competent authority (EN)	P. 28 - 3. List of authorities that intervene in each stage of the procedure	RIS is also involved (see art. 7(a) of L. 4939/2022).
Number of staff	P. 28 – 4.Determining authority	At the end of April 2024, GAS has had a combined staff of 965 persons (permanent and interim staff, EUAA embedded staff).
PD 104/2012, as modified by L 4375/2016, provides for Regional Asylum Offices (RAO) to be set up in...	P. 28 - Staffing and capacity - Asylum Service:	PD 106/2020 (art. 26-31) should also be mentioned.
Regional Asylum Office/Units	P. 29	Missing GAS Offices/Units: AAU of Fast-track Examination, AAU of Beneficiaries of International Protection, AAU of Nikaia. Moreover: <ul style="list-style-type: none"> - Amigdaleza is correctly spelled Amygdaleza - Thesaloniki is correctly spelled Thessaloniki - AAU under custody should be AAU for Asylum Applicants under Custody - RICs and CCACs are not technically an Office or Unit of GAS. Additionally, there are RAOs within CCACs.

<p>Greece has received operational support by the EASO/EUAA since 2011. The 2022-2024 operational plan was amended in March 2023 to take into account the changes in the operational context, notably in light of “the continued low rate of arrivals in the country compared to the period prior to the pandemic, and the increased capacity of the Greek authorities to process asylum applications, which has led EUAA and national authorities to agree on a phased exit strategy from support in the field of asylum”.</p>	<p>P.29-30 - EUAA:</p>	<p>Additionally, on 29/4/2024 EUAA and the Ministry for Migration and Asylum signed an updated Operational Plan, focusing efforts on supporting vulnerable applicants and unaccompanied children, and on prioritizing resources for processing new arrivals and registering applications.</p>
<p>Subsequent applications are lodged before the Regional Asylum Offices (RAO) across the country.</p>	<p>P. 31 - First instance procedure</p>	<p>Asylum Units (AU) should be added as well.</p>
<p>This procedure takes place in the Reception and Identification Centres (RIC) where hotspots are established (Lesvos, Chios, Samos, Leros, Kos) and before the Rhodes RAO.</p>	<p>P. 31 - First instance procedure</p>	<p>The Rhodes RAO does not apply the fast-track border procedure.</p>
<p>Is the authority with which the application is lodged also the authority responsible for its examination? - Yes</p>	<p>P. 64 - 3. Registration of the asylum application</p>	<p>This is not always the case, as RIS personnel may also fully register asylum applications, without RIS being the Decision Authority.</p>
<p>On 13 July 2022, the Ministry of Migration and Asylum operationalised a new online platform for the electronic pre-registration of asylum seekers in Greece.</p> <p>Between December 2023 and 23 June 2023, a total of 10,756 pre-registrations took place via the platform.</p>	<p>P. 66 – 3.2 Access to the procedure on the mainland</p>	<p>The platform allows booking of appointments for lodging an initial asylum application in person. This process should not be equated with the term “pre-registration”.</p>
<p>The platform is available in nine languages (Albanian, Arabic, Bengal, Dari, English, Farsi, Pashto, Turkish and Urdu)...</p>	<p>P. 66 – 3.2 Access to the procedure on the mainland</p>	<p>The platform is currently available in twelve languages (Greek, Kurmanji, Albanian, Georgian, Arabic, Bengali, Dari, English, Farsi, Pashto, Turkish and Urdu).</p>

[. operationalised a new online platform for the electronic pre-registration of asylum seekers in Greece.]	“3.2. Access to the procedure on the mainland”, p. 66	The online services do not offer a preregistration service. The platform offers an application for appointment registration. By choosing the link a third country national is able to schedule a registration appointment with the competent asylum authorities.
The appointment process mandates a de facto detention period of maximum 25 days in order for the procedure to be completed, restricting the freedom of movement of those who have registered for asylum.	P. 66 – 3.2 Access to the procedure on the mainland	This is a de jure restriction of freedom, during reception and identification proceedings, and after submission of an asylum application in a RIC, as provided by art. 40 of L. 4939/2023.
If the individual’s decision is negative, they are permitted to leave the camp, yet no specific instructions are provided regarding the competent Regional Asylum Office for the submission of their appeal or their right for free legal aid in the second instance of their asylum procedure, further obstructing individuals’ effective access to asylum and due process.	P. 67 – 3.2 Access to the procedure on the mainland	All asylum seekers with a negative first instance decision are informed in writing and with the assistance of an interpreter, as provided by law, of their rights, including free legal assistance and the appeal procedure, in the notification of that decision. They are also informed about the competent RAO or AAU, and contact information is provided in writing.
Applicants who are recognised as refugees or beneficiaries of subsidiary protection are given only an excerpt of the relevant decision, which does not include the decision’s reasoning.	P. 68 - C. Procedures - 1. Regular procedure - 1.1. General (scope, time limits)	This is the case only regarding decisions granting refugee status. Beneficiaries of subsidiary protection receive the full decision.
According to the Asylum Code, in order for the entire decision to be delivered to the individual recognised as a beneficiary of international or subsidiary protection, a special legitimate interest (ειδικό έννομο συμφέρον) must be proven.	P. 68 - C. Procedures - 1. Regular procedure - 1.1. General (scope, time limits)	This restriction concerns only beneficiaries granted refugee status.
From 2014 up until the first half of 2021, Syrians and stateless persons were eligible to a fast-track procedure examining their cases and often resulting in the granting of refugee status.	P. 70 - 1.2. Prioritised examination and fast-track processing	The specific fast-track procedure (examination in the merits) is currently still valid. Admissibility proceedings may precede this procedure.
Lastly, on 14 May 2024, the organisation announced that following the cessation of the provision of interpretation services	P. 73 - 1.3.2. Interpretation	MoMA has cooperated with EUAA for the provision of the necessary number of interpreters for registration, identification and asylum procedures

<p>in the asylum procedures on 6 May, it would also move forward with the cessation of interpretation services throughout Greece's camps, on account of the expiration and delays in the timely renewal of the contracts it had signed with the MoMA, while once more noting that it had yet to receive due payments for the services provided by its interpreters in the previous months.</p>		<p>until METAdrasi can meet its obligations (see Ανακοίνωση Υπουργείο Μετανάστευσης και Ασύλου (migration.gov.gr)).</p>
<p>[.. by uploading the Decision on an electronic application managed by the Asylum Service or; ..]</p>	<p>"1.3.4.Notification of First Instance Decisions", p. 75</p>	<p>In the application the applicant has unique access through an account he maintains</p>
<p>The deadline for lodging an appeal is three days after the communication of the decision to the Head of the RIC or the Detention Facility.</p>	<p>P. 75 - 1.3.4. Notification of First Instance Decisions</p>	<p>The deadlines for submitting an appeal are set out in art. 97 of L. 4939/2022. The three day provision of art. 87(4) concerns the date at which the notification of the decision is considered to have been conducted in aforementioned facilities.</p>
<p>The Appeals Authority consists of 21 Independent Appeals Committees</p>	<p>P. 77 - Establishment and Composition of the Independent Appeals Committees of the Appeals Authority</p>	<p>By JMD 109288/30.04.2024 (Gazette B' 2602/01.05.2024) the number of Independent Appeals Committees was reduced to 20.</p>
<p>The requirements set by Article 93 IPA and maintained by the Asylum Code, in practice, can only be fulfilled when a lawyer assists the applicant, which is practically impossible in the majority of the cases, considering the gaps in the provision of free legal aid especially in remote Regional Asylum Offices.</p>	<p>P. 79 - Form of the Appeal</p>	<p>GAS would like clarification and further information on alleged gaps in the provision of free legal aid. All requests for free legal assistance in 2nd instance proceedings have been fulfilled and respective asylum seekers have been provided with a lawyer from the Asylum Service Registry of Lawyers. Moreover, free legal assistance can be requested through an electronic platform available in 20 languages.</p> <p>Additionally, GAS has created a template of a typical appeal document, fulfilling all requirements of art. 98 of L. 4939/2022 (formerly article 93 IPA), and filled in on-site with the assistance</p>

		of a qualified interpreter, for any cases that the appellants or their assigned lawyers are not able to submit the prescribed form in due time and wish to submit additional documentation at a later time.
The scheme ended in March 2023, following the last departure of 15 children to Portugal.	P. 92 - 2.1.3.The relocation scheme	GAS suggests that mention should also be made of the EU-funded Voluntary Solidarity Mechanism (VSM) that was set up in June 2022 by 21 European countries to address migratory challenges facing the Mediterranean Member States (Cyprus, Greece, Italy, Malta, and Spain) through relocation to other European Union Member States and associated countries, or through financial contributions (see also https://home-affairs.ec.europa.eu/document/download/f86bec44-64d6-4f0d-8809-2520360b1482_en?filename=Declaration%20on%20solidarity_en.pdf).
On the contrary, if the reunification request is accepted, an admissibility decision mentioning that the requested Member State is responsible to examine the asylum application, based on the provisions of the Regulation (EU) 604/2013 is delivered to the applicant.	P. 94 - 2.2. Procedure	The correct term is “inadmissibility decision”.
While legal aid services are provided at second instance, meaning the submission of an appeal against the first instance negative decision on admissibility, the five-day deadline for the submission of the appeal following the notice of an inadmissibility decision is not, in any case, adequate for asylum applicants, who had not been informed of the admissibility procedure, nor for the registry lawyers to be properly prepared for the appeal procedure and prepare an effective representation before the Appeals Authority.	P. 107 - 3.4. Legal assistance	The deadline of 5 days applies only in the case of inadmissibility decisions concerning subsequent asylum applications (see art. 97(1)(δ) of L. 4939/2022).
Particularly, the RAOs had no consistent practice regarding the	P. 117 - 5.2. Personal interview	All personal asylum interviews are sound recorded. In case this is not

examination of allegations of pushbacks during the asylum interview and it is unknown if the Asylum Service collects these transcripts.		possible, a full transcript of the interview is kept on file and signed by the applicant (see art. 82 par. 13 L. 4939/2022).
At the same time, the negative decisions are served to the applicants in Greek, so it is impossible for them to read and be aware of the basis on which their asylum application has been rejected.	P. 119 - Rules and time limits for appeal	All negative decisions are accompanied by a simplified and accessible text explaining their content, consequences, and the legal rights of the asylum seekers, in a language they understand.
[... According to Article 5(1) of the aforementioned JMD, the Regional Asylum Office (RAO) or Autonomous Asylum Unit (AAU) issuing the ADET Decision must have the same territorial competence as the Passport Office of the Hellenic Police, which will subsequently carry out the issuance of the ADET. ...]	“A. Status and residence 1. Residence permit”, p. 244	According to art. 5, par. 1 of the JMD 513542/2022 the territorial competence of the police authorities results from the applicant's place of residence. Place of residences is declared by the applicant as regulated in art. 6, par. 1 of the aforementioned JMD.

3. Reception Conditions

Extract from the country report	Page and section	Comments
Under the Asylum Code, the relevant regulations were codified to include Closed Controlled Access Centre of Islands (CCACI.).	P. 55 - 2.2 The domestic framework: Reception and Identification Centres	See also art. 12 of PD 77/2023(Establishment of Closed Controlled Access Centers).
Such measure was imposed either de facto, under the pretext of a decision restricting the individual's freedom within the premises of the RIC for a period of maximum 25 days, or under a deportation decision together with a detention order.	P. 56 - 2.2.1 Reception and identification procedures on the islands	Therefore, GAS understanding is that the measure is imposed de jure.
Once the asylum application is lodged, the same geographical restriction is imposed by the Asylum Service.	P. 57 - 2.2.1 Reception and identification procedures on the islands	Geographical restriction of asylum seekers on the islands of Lesbos, Chios, Samos, Leros, and Kos, is established by Decision 1140/2019 of the Minister of Citizen Protection (Gazette B' 4736). In that sense, this restriction is not “imposed” but “applied” by Asylum Service, as well as by RIS, by

		including relevant marking on the International Protection Applicant Card.
A geographical restriction is also systematically imposed on every newly-arrived person on the Greek islands, initially by the police and the Head of the Asylum Service, imposing the obligation to remain on the islands and within the RIC facilities.	P. 59-60 - 2.2.1 Reception and identification procedures on the islands	The obligation to remain within RICs and CCACs is not related to geographical restriction on the islands. It is imposed by a decision of restriction of freedom, issued by the Governor of respective Center.
<p>Applicants have the right to lodge an appeal (προσφυγή) against decisions that reduce or withdraw reception conditions before the Administrative Courts. In the case of appeal before the Courts, applicants also have a right to free legal aid and representation. However, as explained further below, the remedy provided by this provision is not available in practice.</p> <p>Finally, applicants have the right to lodge an appeal (προσφυγή) before the Administrative Court against decisions that restrict their freedom of movement. However, as explained below, the remedy regulated by this provision is not available in practice.</p>	p.182	<p>This is unjustified. For both cases, the law (Article 118 L. 4939/2022) foresees that against the decision that restricts or terminates the provision of reception conditions, according to Article 61 of this Code, as well as against decisions made pursuant to paragraph 3 of Article 49 of this Code, the affected applicants have the right to lodge an appeal before the administrative courts, in accordance with the Code of Administrative Procedure (Law 2717/1999 A' 97).</p> <p>In the event of an appeal before a court, the applicants receive free legal assistance and representation under the terms and conditions of Law 3226/2004.</p> <p>The access to an appeal is available both in practice and in law.</p>
Namely, applicants are given the choice of leaving the island, by having their geographical restriction lifted, on the condition that they sign a solemn declaration, stating the following	p.186	The lifting of the geographical restriction is regulated by a regulatory act (MD 1140/2019) and the transfer of asylum-seekers in other reception facilities is foreseen in the provision of Article 43 of the Law 4939/2022 which is the applicable legal framework.

<p>Asylum Code maintains IPA's provision (article 61 (4)) which allows for the withdrawal of material reception conditions where the applicant seriously breaches the house rules of reception centres or demonstrates violent conduct. Such a measure is not permitted by the Directive, as clarified by the CJEU in <i>Haqbin</i>.</p>	<p>p.281 'Incompatibilities in transposition of the CEAS'</p>	<p>Firstly, Article 61 (4) of the law 4939/2022 foresees also (in the same paragraph) that when this decision concerns an unaccompanied minor (as in the <i>Haqbin</i> case), the competent Reception Authority must, before imposing the termination of housing, contact the assistance services and/or judicial authorities responsible for the protection of unaccompanied minors, in order to ensure the placement of the minor in a facility that meets their needs and to request any other support measures if justified by the circumstances.</p> <p>In every case, it is explicitly mentioned in the next paragraph (Article 61 (5)) that the decision to restrict or terminate the provision of material reception conditions, or the decision to impose the sanction of paragraph 4, is made by the competent Reception Authority on an individual and objective basis and must be justified. When making the decision to terminate or restrict the material reception conditions or to impose the sanction of paragraph 4, the special situation of the person is taken into account, especially when it concerns vulnerable individuals. The decision to restrict or terminate the material reception conditions cannot affect the applicant's access to medical care, in accordance with paragraph 2 of article 59 of this Code, and does not make it impossible for the applicants to access basic means that ensure a decent standard of living (see <i>Haqbin</i> case). The decisions to restrict or terminate the provision of material reception conditions or to impose the sanction of paragraph 4 are communicated to the applicants in a language they understand.</p> <p>This provision is in full compliance with both the recast (2013/33/EU) Reception Conditions Directive and the case-law of the European Court of Justice.</p>
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4. Content of International Protection

Extract from the country report	Page and section	Comments
<p>Residence permits are usually delivered at least two to three months after the communication of the positive decision granting</p>	<p>P. 242 - A. Status and residence</p>	<p>Only an ID photo and a valid asylum seeker card are currently necessary (see art. 6(1) of JMD 513542/2022 (Gazette B' 4763)).</p>

international protection and the submission of the required documents (positive decision granting international protection, ID decision and photos and copy of the asylum seeker's card) to the Aliens Police Directorate ('Διεύθυνση Αλλοδαπών') or the competent passport office by the beneficiaries.	1. Residence permit	
Travel documents may only be collected at the RAO of Attica and the RAO of Thessaloniki.	P. 263 – 2.Travel documents	Also, at the RAO of Crete.

5. Additional remarks

Glossary (p.6)

Fast-track border procedure: **Article 90(3) IPA has been codified by article 95(3) L. 4939/2022 (see also art. 43(3) of APR).**

“Reception and Identification Centre: ...” **RICs may also be located in the mainland.**

List of Abbreviations (pg. 7-8)

EUAA: European Union Agency for Asylum (instead of European Agency for Asylum).

SSPUM: By PD 77/2023 (published and effected on 27/6/2023) SSPUM was replaced by General Secretariat for Vulnerable Persons and Institutional Protection (GSVPIP).

Overview of the legal framework (pg. 12-20)

Main legislative acts on asylum procedures, reception conditions, detention and content of international protection

P. 12 - L. 4939/2022 ... Amended by: **Another notable amendment, is by L. 5078/2023 (Art. 57 - Access of registered asylum seekers to the labor market).**

P. 14 - Presidential Decree 80/2006 “Provision of temporary protection in cases of mass influx of displaced persons” Gazette 82/A/14-4-2006: **This PD has been annulled by case B of art. 148 of L. 4939/22.**

Gas proposes the addition of PD 106/202, as amended by PD 77/2022, regarding the organization of the Ministry of Asylum and Migration.

Main implementing decrees, guidelines and regulations on asylum procedures, reception conditions, detention and content of international protection

GAS suggests restructuring of this compendium, to avoid duplication and non-valid entries.

P. 15 – “Joint Ministerial Decision no 734214. Designation of third countries as safe and establishment of national list pursuant to Article 91 L. 4939/2022 (A’ 111)

Gazette B’ 6250/12-02-2022”: **Repealed and replaced by JMD no. 538595/15.12.2023 (Gazette B’ 7063).**

P. 15 – “Decision of the Minister of Asylum and Migration no 131035/4.3.2022 “Application of temporary protection of PD 80/2006 due to mass influx of displaced persons from Ukraine” : **GAS suggests that Decision 172172/2022 of the Minister of Migration and Asylum (Gazette B’ 1462/28.03.2022), concerning the procedure of administering the temporary protection residence permit is added.**

P. 15 – “Joint Ministerial Decision no 788502 Provision of legal aid to applicants for international protection Gazette B’ 42/11-01-2022”: **Replaced by JMD 788502/2023 (Gazette B’ 42/11.01.2023).**

P. 15 – “Decision of the Secretary General for the Reception of Asylum Seekers 25.0/118832. General Regulation for the Operation of Closed Controlled Facilities on the islands

Gazette B/3191/20-7-2021” : **Replaced by Decision of the Secretary General for the Reception of Asylum Seekers 553695/2023 “General Regulation for the Operation of Closed Controlled Facilities (Gazette B/7533/31.12.2023).**

P. 16 – “Joint Ministerial Decision no 42799 Designation of third countries as safe and establishment of national list pursuant to Article 86 L. 4636/2019 (A’ 169)

Gazette B’ 2425/07-06-2021...”: **Amended and replaced by JMD 527235/2023 (Gazette B’ 6844/05.12.2023).**

GAS suggests the addition of the JMD No 513542/2022 (Gazette B’ 4763/12.09.2022) on the procedure of administering residence permits to beneficiaries of international protection (Gazette B/2036/30-05-2020).

[Overview of main changes since the previous report update \(pg. 21-26\)](#)

International Protection -

P. 21 - Key asylum statistics:

“...The recognition rate on the merits at first instance was 76.7% “- GAS reiterates that RR should be calculated on the basis of the total of decisions on the merits and inadmissibility decisions. The correct RR at first instance for 2023 was thus 61.97% and not 76.7%, and the correct RR at first instance for 2022 was thus 49.81% and not 62.3%.

“However, as in previous years, a significant number of applicants were not provided with access to an in merits examination and their applications were examined under the safe third country concept, following the issuance of the Joint Ministerial Decision designating Türkiye as a safe third country for applicants from Syria, Afghanistan, Somalia, Pakistan, Bangladesh.” : **The implementation of JMDs designating Türkiye, Albania, and North Macedonia, safe third countries for specific or all asylum seekers crossing common borders, does not preclude access to the in merits examination, provided**

that, after individual examination, the third country is deemed not to be safe under the particular circumstances in which each applicant finds himself/herself.

“...marking a close to 50% general increase compared to 2022 (22,170 pending applications, 17,249 of which at first instance and 4,921 at second) ...” : **This increase can be attributed to the significant increase in the number of arrivals within the reference period (see next section).**

P. 22 – Access to the asylum procedure:

“Since September 2022, persons who want to submit an asylum application on the mainland should initially book an appointment through an online platform and then present themselves in one of the two registration facilities in Diavata (Thessaloniki) or Malakasa (Attica) to complete registration of their application.” : **UAMs, family members or already fully registered asylum seekers, and persons having legally entered the country, can lodge an application for asylum at the closest competent RAO or AAU. Additionally, persons who wish to submit a subsequent asylum application can book an appointment via an online platform and then present themselves at the respective competent RAO or AAU.**

“However, access to the online platform is not always possible, while between May and August 2023, the platform stopped operating, thus making access to the procedure impossible in practice.” : **GAS notes that according to data of the Ministry of Migration and Asylum, in 2023, 50,366 appointments for submitting a first-time asylum application, and 9,690 appointments for submitting a subsequent asylum application were booked in total through the respective online platforms. Moreover, the May and August 2023 technical issues were caused by the broad upgrade of the Ministry of Migration and Asylum reception and asylum IT systems.**

“Access to the asylum procedure for persons detained in pre-removal centres has also remained a matter of concern.”: **GAS retains on-site Asylum Units in Amygdaleza (also covering Taurus), Corinth, Paranesti, Xanthi and Fylakio (Orestiada).**

P 22 - Subsequent applications:

“Subsequent applications after the first one...” - **Suggestion for reasons of clarity: “...lodged after the first subsequent application...”**

P. 22 - Processing times:

“Yet, in lack of a breakdown, this data is likely to also include, *inter alia*, applications that have been speedily rejected under the “safe third country concept” ...”: **Application of the safe third country concept entails that the burden of proof that the third country included in the national list of safe third countries is not safe for a specific applicant is borne by the applicant himself/herself, within the confines of an individual examination of the personal circumstances, including by conducting an admissibility interview. Applications are not thus automatically rejected. Moreover, in some cases, according to art. 82 par. 7 of L. 4939/2022, if an asylum seeker can be recognized as a refugee on the basis of the available evidence, the personal in the merits interview can be omitted.**

“...delays of months and at times of even more than year only with respect to the conduct of asylum interviews reported at least in Malakasa RIC...”: **GAS has established interview facilities, with in-person asylum case workers, within the RIC of Malakasa. We would like to ask you to share with us**

specific data concerning delays in interviewing asylum applicants located in Malakasa or in any other reception and accommodation facilities.

P. 23 – Legal assistance:

“However, obstacles in accessing free legal aid continued to be reported, inter alia because of the digitalisation of the procedure and the fictitious service of negative first instance decisions.”: **The digitalization of the procedure, with use of an easily accessible multilingual online platform for applying for free legal aid, aims at reducing in-person appearance requirements and resulting delays. The fictitious delivery of negative first instance decisions is the last option, after exhausting all other means of notification (in-person, by email, by post) because of lack of response or of invalid communication information.**

P. 23 - Safe third country inadmissibility:

“As a result, applications for international protection lodged by persons impacted by this decision throughout the Greek territory (borders and mainland) are examined under the safe third country concept and not on their individual circumstances and the risks they face in their country of origin (in-merits examination).”: **Individual circumstances are taken into consideration in applying the safe third country concept.**

“Moreover, and as no readmission takes places, refugees whose applications have been/are rejected as inadmissible based on the “safe third country” concept end up in a state of legal limbo in Greece, and are exposed to a direct risk of destitution and detention, without access to an in-merit examination of their application.” : **GAS notes that asylum seekers with a final negative decision on admissibility can lodge a subsequent application after booking an in-person appointment through an electronic platform.**

P. 25 - Content of international protection - Renewal of residents permits:

“In practice, beneficiaries of international protection holding these certificates are only protected from detention and do not have access to any rights pending their residence permit’s renewal.” - **GAS considers that since and as long as the international protection (refugee or subsidiary protection) status of those persons remains valid, the rights conferred to them by the law (see especially art. 19-34 of L. 4939/2022) should be freely exercised. Moreover, legal measures for ensuring the enjoyment of those rights may be enacted.**

P. 25 - Housing of recognised refugees:

“Given the limited integration of recognised beneficiaries of international protection in Greece, this has continued to result in a high risk of homelessness and destitution.” : **Mention should be made of the HELIOS program, funded by the Ministry of Migration and Asylum and run by IOM, through various partners, that, inter alia, supports the independent accommodation of beneficiaries of international and temporary protection in Greece.**

P. 25-26 - Temporary protection procedure: Scope of protection:

“However, as regards third country nationals, only stateless persons and beneficiaries of international protection or equivalent national protection are eligible...”: **Additionally, third country nationals that**

are members of the nuclear family of a beneficiary of temporary protection (spouse, minor children), as long as the family existed and lived in Ukraine before 24/2/2022, can obtain a temporary protection residence permit.

“...and not those with permanent residence in Ukraine and unable to return to their country of origin.”: Such persons are referred immediately to asylum proceedings.

P. 26 - Vulnerability identification:

“there was no specific procedure introduced for the identification of vulnerable applicants or beneficiaries...”: **Beneficiaries are checked within registration procedure for any THB indicators. Moreover, all beneficiaries have free access to public health care.**

“...nor was the procedure adapted to the needs of unaccompanied minors entitled to temporary protection.”: **The General Secretariat of Vulnerable Persons and Institutional Protection, along with the Public Prosecutor, are informed in detail and immediately after registration of separated, and in very rare cases, unaccompanied children, from Ukraine.**

P. 26 - Content of temporary protection - Rights attached:

GAS notes that, according to art. 194 of L. 5078/2023, all beneficiaries of temporary protection can apply until 4/3/2025, through an electronic platform, for any residence permit of the new Migration Code (L. 5038/2023) without the requirement of a valid visa.