



News Publications The Dublin System Topics

21 October 2021

Dublin returns to Greece

Dublin returnees without effective access to asylum procedures and accommodation in Greece, now under risk of readmission to Turkey

Deficiencies persist in the treatment of asylum seekers returned to Greece under the Dublin Regulation. The case of Yasser*, an applicant supported by RSA lawyers who was returned from Germany two years ago, illustrates gaps in access to the asylum procedure and to reception conditions for Dublin returnees. Currently, following the designation of Turkey as a safe third country, returnees also face the risk of readmission back to Turkey. This decision comes against the backdrop of ongoing push backs of refugees at Greek land and sea borders, escalating since March 2020, as well as an intensification of immigration detention. At the same time, the Greek reception system is undergoing a gradual transformation through the dismantling of open housing facilities in favour of large-scale “closed controlled centres”, while a coherent policy to support integration of people granted international protection is still lacking.

Despite these circumstances, EU Member States and Schengen Associated Countries continue to send thousands of Dublin take back requests to return asylum seekers to Greece. In line with a [Recommendation](#) from the European Commission, Dublin transfers to Greece are carried out following the provision of individual assurances by the Greek Dublin Unit relating to the treatment of returnees in line with the EU asylum *acquis*.

However, the case of Yasser, a Syrian refugee returned from Germany under the Dublin Regulation, is illustrative of Greece’s failure to treat returnees in line with EU standards.

Barriers to re-accessing the asylum procedure

Yasser was returned from Germany to Greece in 2019. On the days following his return, he persistently appeared every day before the responsible Asylum Office in order to activate his asylum procedure. After 6 days he received an invitation for a personal interview that was scheduled for one and a half year later. He received no new asylum seeker’s card or other identification document and was instead referred to the police station to submit a declaration that he had lost his old card – a precondition to receive his card 2 months later. In the end it was only 8 months later that he received his card. Without an asylum seeker’s card, Yasser was deprived of access to social and financial assistance, to a Social Security Number, health care, medication and accommodation.

In 2021, as he was still waiting for his asylum interview, the Asylum Service decided to discontinue the examination of his application, invoking provisions on implicit withdrawal of the asylum claim on account of his earlier departure from Greece in 2019. In doing so, the Greek authorities failed to observe their own guarantees that Yasser would be provided with access to the asylum procedure and infringed Article 18(2) of the Dublin Regulation, according to which asylum seekers taken back by Greece shall be allowed to continue the examination of their asylum application following a Dublin transfer.

No guaranteed reception conditions

Moreover, without prior notice or even notification of the discontinuation decision, the scarce reception conditions provided to Yasser were once more terminated, including access to health care and a financial allowance. He had to appeal to the assistance of RSA lawyers in order to request a copy of the Asylum Service decision and to request the revision (*αίτηση θεραπείας*) thereof.

Following the revision, the Asylum Service re-activated Yasser's procedure and provided him with a new asylum seeker's card. Yet, as of July 2021, asylum seekers living outside reception facilities managed by the Ministry of Migration and Asylum are no longer eligible for financial allowances, despite the fact that applicants **cannot directly apply for accommodation** with the Ministry of Migration and Asylum. Since Yasser is not receiving accommodation from the State, he is not eligible for any financial aid provided to asylum seekers. Moreover, as of October 2021 cash assistance is **not provided** to asylum seekers in a timely manner following the **transfer** of responsibility for the programme from UNHCR to the Ministry of Migration and Asylum, while authorities announced in a recent meeting that 60% of people living in camps do not receive food, including rejected asylum seekers.

Channelling into admissibility procedures under the “safe third country” list

More importantly, however, following the adoption of **secondary legislation** in June 2021 declaring Turkey a “safe third country” for all persons originating from Syria, Afghanistan, Somalia, Pakistan and Bangladesh, Yasser's asylum claim is now being examined solely on admissibility. Although his application was lodged in 2019, he faces the risk of deportation to Turkey on the basis that he should seek protection there, without any assessment of the merits of his claim.

More recent legislative changes are liable to pose further barriers to access to the asylum procedure for Dublin returnees. Following a September 2021 reform, registration of a second subsequent asylum claim is subject to a 100 € fee paid to the Asylum Service.

Yasser's case illustrates that the guarantees provided by the Greek authorities concerning his access to a fair asylum procedure and reception conditions are not valid, insofar as they do not correspond to actual Greek practice.

**Names have been changed to protect privacy and security*