



EUROPEAN MIGRATION NETWORK FOCUSSED STUDY 2017

The effectiveness of return in EU Member States:
Challenges and good practices linked to EU rules
and standards



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European Public Law
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ACKNOWLEDGMENTS

The authors wish to warmly thank for their valuable comments and remarks the Members of the Team for Receipt and Evaluation of the Study (OPAM) of the National Contact Point of the European Migration Network (EMN):

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We are also grateful for the assistance and the provision of information to:

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Cover photo: Theodoros Fouskas – personal collection: “Migrants in Athens”, 2010.

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The European Migration Network (EMN) was established in 2003, originally as a preparatory action of the European Commission, with the aim of providing the European Commission and the Member States with objective, reliable, comparable and up-to-date data on migration and asylum, to build policymaking in the European Union and hence their national policies in these areas. Subsequently, the Council of the EU in 2008, with the No. 381/2008/EK Judgment founded the EMN, as a permanent structure that will operate within the European Commission, with the participation of Member States in order to achieve these goals.

More information on the EMN and its work can be found on the website

www.emn.europa.eu

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This study was conducted with the financial support of the European Union and the Ministry for Migration Policy under the European Migration Network. The research contents are of the responsibility of the authors. In no case can the European Union and the Ministry for Migration Policy be held liable for any use of the information made by third parties.

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[Top-line “Factsheet” \(National contribution\)](#)

[National contribution \(one page only\)](#)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers

The Focussed Study of the European Migration Network for the year 2017 entitled “The effectiveness of return in EU Member States: Challenges and good practices linked to EU rules and standards” aims to inform the Member States, the European Commission, and the general public about the challenges and practices of Greece concerning the return of third-country nationals. The Focussed Study is comprised of **nine** sections. The aim of **Section 1** is to provide an overview of the situation in Greece concerning the return of third-country nationals. In order to implement the provisions of the Return Directive 2008/115/EC, in Greece Law 3907/2017 came into force, which provides for the procedures required for the implementation of returns. The efforts of Greece, for years, for taking organisational and coordinating measures in accordance with the two National Action Plans “National Strategy for Integrated Border Management 2014-2020” and the “National Roadmap for Asylum and Returns”, were affected by the unprecedented refugee/immigration challenge of 2015 (911.471 arrests in the 12 months of 2015, compared to 77.163 arrests in the 12 months of 2014), and from the continued migratory pressure during the first quarter of 2016 until the signature of the EU-Turkey Statement of March 18, 2016. The purpose of **Section 2** is to analyse the issuance of a return decision. According to the Return Directive, which was incorporated into the national legislation with Law 3907/2011, the Hellenic Police Services issue a return decision to a third-country national, who does not meet or no longer meets, the conditions for entry and stay in the Greek territory and an obligation to leave within a given timeframe is imposed on him/her, whereas the Services of the Ministry for Migration Policy issue return decisions when they reject applications for the granting or renewal of a residence permit or withdraw residence permits. In order to control the problem of irregular migration in Greece, a number of actions have been implemented, that aimed, among other things, at identifying-checking third-country nationals who did not meet or lack the necessary travel documents and at increasing returns (forced and voluntary). The aim of **Section 3** is to examine the process of determination of the risk of absconding posed by third-country nationals who have been issued a return decision. Assessing the risk of absconding is a challenge, both for the competent Authorities issuing the return decisions and for the third-country nationals under return, since all the necessary information that will establish the existence of the risk or not, should be collected. In addition, the risk of absconding has a large impact on transit countries like Greece. The purpose of **Section 4** is to investigate the effective enforcement of return decisions. In cases where the third-country national does not comply with the return decision, his/her administrative detention is ordered in a Pre-removal Detention Centre for third-country nationals, in order to implement the return to his/her country of origin. In any case, the Member State that initially issued the return decision is informed, and then the procedure for the final return of the national to his/her country of origin is followed. In cases where a third-country national under return, falls into a vulnerable group, and in particular in cases of unaccompanied minors, according to the applicable legislation, he/she is not detained but placed under a guardianship status until a place in a suitable accommodation structure for minors is found. The purpose of **Section 5** is to examine the interpretation and implementation of EU rules relating to appeal deadlines and suspensive effect of appeals. All competent Hellenic Police Services have been given clear orders and instructions, on the respect of human rights and dignity of all irregular migrants arriving in Greece, while showing particular concern to the right to apply for international protection and the legal remedies provided. According to the existing legislation (Article 77, Law 3386/2005 and Article 28, Law 3907/2011), a third-country national under return has the right to appeal the return decision within 5 days from the notification of the decision to him/her. The appeal involves the suspension of implementation of the return, but not the detention. The aim of **Section 6** is to highlight the interpretation and implementation of EU rules relating to: the assessment of the best interest of the child and the assessment of family life. According to the legislation in force, vulnerable groups include pregnant women or women undergoing treatment (although excluded from Article 41, Law 3907/2011), single parent families, individuals with severe health problems and unaccompanied minors. In this context, vulnerable groups cannot be returned for as long as their vulnerability persists, while they are not detained, but placed in a status of protective care when needed. Especially for unaccompanied minors, their return can only be implemented, only when it is for the best interest of the individual. The aim of **Section 7** is to examine the implementation of EU rules relating to voluntary departure. The period granted for voluntary return ranges from 7 to 30 days. The period is set following an assessment by the Authority responsible for issuing the return decision. In the cases where a third-country national has been given a deadline for voluntary departure together with the return decision, he/she is also granted a Staff Note which, upon leaving the Country, he/she must hand over to the competent Authorities in order to record his/her departure from the Country. The aim of **Section 8** is to examine the conditions to impose an entry ban. According to Article 26, Law 3907/2011, which incorporated Article 11 of Directive 2008/115/EC on returns or entry bans (on both national basis and in SIS, provided the relevant conditions are met), an entry ban is issued when: a. a voluntary departure period has not been granted, b. the third-country national has not complied with the obligation of return, c. his/her presence in Greece constitutes a threat to public order and security, national security or public health. In these cases, return decisions are accompanied by a measure of entry ban into the country which does not exceed 5 years. However, if a third-country

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national poses a serious threat to public order, public security, or national security, it is possible that the entry ban in the country could exceed 5 years. The aim of **Section 9** is to draw conclusions on the impact of EU rules on return.

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Section 1: Contextual overview of the national situation concerning the return of third-country nationals

The introductory section of the Synthesis Report will aim at contextualising the study by providing a brief overview of the overall situation in the Member States regarding the return of third-country nationals. It will succinctly review the national measures implementing the Return Directive (including judicial practices and interpretations) or equivalent standards (for Member States that are not bound by the Directive) and examine the policy debate concerning the return of third-country nationals in Member States. The section will also include quantitative data extracted from Eurostat to estimate the scale of the main issues concerning return (e.g. number of third-country nationals ordered to leave and of third-country nationals returned following an order to leave).

Q1. Please provide an overview of the national measures implementing the Return Directive (including judicial practices, interpretations and changes related to case law concerning the Return Directive) or equivalent standards (for Member States which are not covered by the Directive) in your Member State.

In order to implement the provisions of the Return Directive 2008/115/EC, in Greece Law 3907/2017 came into force, which provides for the procedures required for the implementation of returns. This Law provides for every step of return and administrative treatment for third-country nationals, who either enter or reside illegally/irregularly in Greece. In this context, the procedures for the administrative detention of third-country nationals bound for return are also regulated, via the establishment of the Pre-removal Detention Centres for third-country nationals. The judicial removals are governed by Law 3386/2005.

Q2. [EC Recommendation (8)] Does your Member State make use of the derogation provided for under Article 2(2)(a) and (b) of the Return Directive?¹ **Yes/No**

Please briefly elaborate on important exceptions to the general rule stated above

If Yes, please describe:

- a) The categories of third-country nationals to whom this derogation applies (third-country nationals who are subject to a refusal of entry AND/OR third-country nationals who are apprehended or intercepted while irregularly crossing the external border AND/OR third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction, according to national law, or who are the subject of extradition procedures);
- b) How the return procedure applied in such cases differs from standard practice (e.g., a period for voluntary departure is not granted, appeals have no suspensive effect, etc.)

The exception defined in Article 2 (2)(a) of the Return Directive 2008/115/EC concerns mainly the cases of third-country nationals who are arrested for entering illegally/irregularly in the country and therefore the procedure of implementing the Protocols – Readmission Agreements of Greece with third countries is followed, directly from the existing services. In particular, after the aforementioned examination has been conducted at the request of the Public Prosecutor, the Director of the Police Service issues a relevant decision and a record with the data of the third-country nationals being returned is prepared. The aforementioned third-country nationals are transferred directly to the border crossing points of Greece, accompanied by police officers of the Police Inspection Service, in official vehicles, where a relevant delivery-receipt protocol is signed by the escorting officer, the Border Guard Official and the police officer of the third country (in most cases, from Albania) who receives them.

Q3. Please indicate any recent changes in the legal and/or policy framework (i.e., as a result of the migration situation in 2015-2016 or the European Commission Recommendation issued in March 2017).

- Article 78A “Protection against expulsion”

Article 18 of Law 4332/2015 (Government Gazette A’ - 76/July 09, 2015) Article 78A “Protection against removal” was added to Law 3386/2005, with which significant changes were brought to the issue of the removal of those who fall under the terms of the principle of non-refoulement. In particular, for newcomer third-country nationals who fall under the provisions of the above Article 78A, “Protection against removal”, there have been significant changes in the issue of the removal of those who fall under the terms of the principle of non-refoulement. These provisions apply to nationals of Eritrea, Iraq, Palestine, Somalia, South Sudan, Syria, Yemen and others, for whom no removal/return decision is issued² and consequently suspension of its execution, but instead a non-removal order for humanitarian reasons is issued, therefore reducing bureaucratic procedures, given that a large number of the category of the target group enters the country daily, especially from the eastern sea borders of Greece. Taking into account the above, (a) that when the conditions of the principle of non-refoulement are met, a deportation decision and later a postponement of removal are no longer issued, but rather a certificate of non-removal for humanitarian reasons is issued from the outset, and (b) a circular of the Hellenic Police in August 2015 (Circular 1604/15/1423412/August 10, 2015), clarifies that this certificate covers newcomers from Eritrea, Iraq, Palestine, Somalia, South Sudan, Syria and Yemen, as mentioned above

¹ Member States may decide not to apply the Directive to third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code, or who are apprehended or intercepted by the competent Authorities on irregular crossing the land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State (Article 2(2)(a) and to third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction, according to national law, or who are the subject of extradition procedures (Article 2(2)(b)).

² It refers to the same procedure, with the difference that the deportation is implemented by Services at the borders through the provisions of Law 3386/2005) and the return from Services at the mainland through Law 390/2011.

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(Voutsinou, et al., 2017:29), this regulation of the new Article 78A, Law 3386/2005, which was introduced by Article 18, Law 4332/2015, constitutes a very positive development, as a response of the Ministry of Interior to the UNHCR and to the Greek Ombudsman, and it is introduced at a time when the issue is to simplify the procedures and maximize the speed of processing the cases of massively incoming populations (Voutsinou, et al., 2017:29)³. At the same time, the problem that emerges is that, while on the one hand, bureaucratic issues are solved, however, on the other hand, not only is it a contributing factor of attracting further irregular migration for the sake of removing bureaucracy, but also it is raising questions regarding security. As an example, the programs that support voluntary returns, must be designed so as not to be a factor or incentive to attract more irregular migrants to Europe. Also, in relation to the countries of the Western Balkans, many Member States have discontinued any voluntary return assistance and now cover only transport costs so as not to attract more migrants⁴.

- Law 4384/2016 (Government Gazette A' – 78/April 26, 2016) “Agricultural Cooperatives, forms of collective organization of rural areas and other provisions”

With Article 58, Law 4384/2016 (Government Gazette A' - 78/April 26, 2016) “Agricultural Cooperatives, forms of collective organization of rural areas and other provisions”, Article 13a, was added in Law 4251/2014 (“Immigration and Social Integration Code and other provisions”), with which if the paid posts provided for the employment in the rural economy are not covered, the employer may lodge to the competent authority of the Decentralized Administration of his place of residence a request for the employment, by way of exception, of third country nationals who do not hold a permit to reside in the country, in order to face urgent needs in farms. This request shall include the number of posts on the basis of the ratio between arable land or livestock per worker in application of the Joint Ministerial Decision of Article 11, paragraph 3, the details and nationality of the employable third country nationals, their specialization and the period of employment. The Coordinator of the Decentralized Administration examines the requests in the order they are lodged, and may issue acts of approval for the employment by way of exception of third country nationals irregularly residing in the country, until the number set in the Joint Ministerial Decision of Article 11, paragraph 1, is met. The approval granted for the employment of third country nationals by way of exception constitutes reason for their removal to be suspended and provisions in Article 24 of Law 3907/2011 (Government Gazette A' 7) shall apply accordingly. The competent authority of the Decentralized Administration sends to the competent territorial Police Authority this approval. In case a return decision has already been issued, the competent police authority issues a certification for removal suspension pursuant to Article 24, paragraph 4 of Law 3907/2011, provided there is no grounds of public order and security, according Article 6, indent iii). In case a removal decision has not been issued yet, this is being issued now by the competent police authority, followed by the issuance of a certification for the suspension of removal pursuant to Article 24, paragraph 4 of Law 3907/2011. Third country nationals whose removal has been suspended, lodge an application for work permit at the Region of their place of residence pursuant to Article 3 of the Decision no 53619/735/2015 by the Ministers of Interior and Administrative Reconstruction, of Economy, Development and Tourism, and of Labour, Social Security and Social Solidarity (Government Gazette B' 2631).

- From the Migration Management Division (MMD/DDA in Greek)/Aliens and Border Protection Branch/Hellenic Police Headquarters (HPH/AEA in Greek) a relevant Recommendation for the revocation of No. 44/2014 “Legal Opinion of the State Legal Council on the detention of third-country nationals beyond 18 months”, has been distributed, which was accepted on May 23, 2016 by the Deputy Minister of Interior and Administrative Reconstruction/Citizens Protection Division, Mr. N. Toscas.
- Law 4375/2016 “On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC “on common procedures for granting and withdrawing the status of international protection (recast) (Law 180/June 29, 2013), provisions on the employment of beneficiaries of international protection and other provisions”.

Within the framework of the better management of migration flows and in order for Greece to meet the demands created by the intense migration pressure it received in the year 2015, Law 4375/2016 “On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC “on common procedures for granting and withdrawing the status of international protection (recast) (Law 180/June 29, 2013), provisions on the employment of beneficiaries of international protection and other provisions”, was published. With the publication of Law 4375/2016 (Government Gazette A' - 51/April 03, 2016) significant changes took place in the management of mixed migratory flows, especially in the islands of the Eastern Aegean. Among others, the main topics concerned changes in the asylum process and the establishment of the Reception and Identification Service (R.I.S.), which includes the Reception and Identification Centres (R.I.Cs.) in the islands of Lesbos, Chios, Samos, Leros and Kos. Lastly, procedures concerning the first reception of the irregularly arriving third-country nationals in the Reception and Identification Centres (R.I.Cs.), were regulated. At the same time, efforts were made

³ See Voutsinou, M. et al. (2017). *Migration flows and refugee protection - Administrative challenges and human rights issues. Special Report*. Athens: The Greek Ombudsman, 29 (available at: https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf, accessed on: October 06, 2017). See also The Greek Ombudsman (2017) *Return of Third-Country Nationals - Special Report 2016*. Athens: The Greek Ombudsman, available at: <https://www.synigoros.gr/resources/docs/eidikiethesiepirofesalodapwn2016en.pdf>, accessed on: October 06, 2017).

⁴ See also EU Action Plan on Return, COM(2015) 453 final (September 09, 2015), 4 (available at: [http://www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com\(2015\)0453_/com_com\(2015\)0453_el.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com(2015)0453_/com_com(2015)0453_el.pdf), accessed on: October 06, 2017).

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to further improve the level of co-operation with Turkey in order to better control the guarding of the border on its western coast near the Greek islands of the Eastern Aegean, which would decisively contribute to the control of migratory flows both towards Greece and the countries of central and northern Europe. The efforts made by the European Union and Greece resulted in the conclusion of the EU-Turkey Statement (Brussels, March 18, 2016), the implementation of which resulted in a great reduction of the flows to Greece (from January 01, 2016 to March 19, 2016, 149.133 irregular migrants entered in the country from the sea borders of Greece with Turkey, while in the period from March 20, 2016 to December 31, 2016, 26.994 irregular migrants entered in the country).

Q4. Is the return of irregularly staying third-country nationals a priority in your Member State? **Yes/No**

If Yes, please provide a brief overview of the national debate on return in your Member State. Please indicate key points of discussion and players involved in this debate, and reference the information provided. Sources of national debate to include may be national media reports, parliamentary debates, and statements or reports of NGO/civil society organisations or International Organisations (IOs).

Based on the importance that the European Union and the Greek State continued to place on addressing the phenomenon of irregular migration in Greece and during the past year (2016), the assessment/view - of previous years - has now been established that this phenomenon is a major national and European issue. The efforts of Greece, for years, in the making of organisational and coordinating measures in accordance with the two National Action Plans "National Strategy on Integrated Border Management 2014-2020" and the "National Roadmap for Asylum and Returns", were affected from the unprecedented refugee/immigration challenge of the year 2015 (911.471 arrests in the 12 months of 2015, compared to 77.163 arrests in the 12 months of 2014), and from the continuation of the migratory pressure during the first quarter of 2016 and until the EU-Turkey Statement of March 18, 2016. Improving Return Policy is one of the main national priorities, in order to address the problems from the large migratory flows that affect Greece, as it is a gateway to entry into the European area. This national priority consists of two pillars: voluntary and forced returns. The country's commitment to the Policy Dialogue for the period 2014-2020 is to give more emphasis to the first pillar - voluntary returns. For this to be efficient and effective, it should be assisted, exist in addition to and in a complementary way, with a Forced Returns conducting system, which will be reliable and fully harmonised with EU directives, EU and national legislation, assumptions and constraints.

Section 2: Systematic issuance of return decisions

This section of the Synthesis Report will provide information on Member States' practices with respect to the issuance of a return decision to any third-country national staying irregularly on their territory (as per Article 6 of the Return Directive). The section will consider, among others, whether the issuance of a return decision is subject to the possession of travel or identity documents by the third-country national concerned and examine if Member States issue joint decisions concerning the ending of a legal stay and a return decision in a single administrative or judicial decision (Article 6(6) of the Return Directive). The section will also provide information on the frequency with which Member States choose to grant an autonomous residence permit for compassionate, humanitarian or other reasons (Article 6(4) of the Return Directive) or refrain from issuing a return decision due to the third-country national being the subject of a pending procedure for renewing his or her residence permit (Article 6(5) of the Return Directive).

Please indicate in your answers if any of the measures described in this section were introduced or changed as a result of implementing EU rules, namely the Return Directive or relevant case law

Q5. Who are the competent Authorities to issue a return decision in your Member State?

According to the Return Directive, which was incorporated into the national legislation with Law 3907/2011, the Hellenic Police Services issue a return decision to a third-country national who does not meet or no longer meets the conditions for entry and stay in the Greek territory and an obligation to leave within a given time is imposed to him/her, while the Services of the Ministry for Migration Policy issue return decisions when they reject applications for the granting or renewal of a residence permit or withdraw residence permits.

Q6a. [EC Recommendation (5)] Does your Member State refrain from issuing a return decision to irregularly-staying third-country nationals if?

- a) The whereabouts of the third-country national concerned are unknown; **Yes/No**
- b) The third-country national concerned lacks an identity or travel document; **Yes/No**
- c) Other (*please describe*)

Q6b. In connection with Q6 a) above, does your Member State have any measures in place to effectively locate and apprehend those irregularly-staying third-country nationals whose whereabouts are unknown? **Yes/No**

If Yes, please elaborate on the type of measures

In order to control the problem of irregular migration in Greece, a number of actions have been implemented, that aim, among other things, at identifying-checking third-country nationals who did not meet or lack the necessary travel documents, and at increasing the number of returns (forced and voluntary). To this end, the existence of Police Service with the sole purpose of checking the legitimacy of the residence of third-country nationals within the Country (Irregular Migration Management Units, etc.) allows the conduction of systematic checks. At the same time, on the basis of the legislation in force, Police personnel of the competent Hellenic Police Services participated in mixed check groups, aiming at dealing with various forms of criminal activity (drug trafficking, prostitution, combating crime and trafficking, etc.). To this end, orders and instructions to the staff of the above inspection groups were given, in order to ensure that the checks implemented are carried out in light of absolute respect for the rights and dignity of the individual under inspection. It should be noted that the abovementioned actions, as well as all police operations, generally aim at the protection of public order and security and are implemented objectively (regardless of nationality, religious/political beliefs, race, discrimination or other distinctive features that characterise the individuals under inspection, and wherever necessary arrested, and only on the basis of individualised indications resulting from their conduct).

Q6c. [EC Recommendation (24)(d)] Does your Member State issue a return decision when irregular stay is detected on exit? **Yes/No**

Please briefly elaborate on important exceptions to the general rule stated above

In the cases where third-country nationals are found to leave Greece while illegally residing in the country, an administrative fine of € 600 may be imposed to those illegally staying for less than a month, or € 1.200 for illegally staying individuals for a period of more than one month. The following persons are exempted from fines: (a) minors; (b) expatriates; (c) those who have the status of spouse or parent of national, expatriate or EU; (d) those who are integrated in procedures and programs of voluntary repatriation, (e) those who violate their period of legal residence in the Greek territory due to force majeure, provided they depart within 30 days after the event has been eliminated. The Police Authority carrying out the check for the departure of the third-country national is responsible to decide whether there are grounds for such an exception. At this time, no further decision is issued on the third-country national (return or entry ban); however, a legislative regulation is expected to be issued within the year, in which a procedure for issuing a return decision will be set out.

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Q7. [EC Recommendation (5)(c)] In your Member State, is the return decision issued together with the decision to end the legal stay of a third-country national? **Yes/No**

If No, when is the return decision issued? *Please specify.*

In cases where the competent Service terminates legal residence, a return decision is issued for the third-country national. When a residence permit application is rejected accompanied with a voluntary return decision, a fine is not imposed if the third-country national complies with the set time limit.

Q8. Does the legislation in your Member State foresee the possibility to grant an autonomous residence permit or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to third-country nationals irregularly staying on their territory? **Yes/No**

If Yes, please elaborate on the type of permit/authorisation granted and to which type of third-country national it is granted.

According to pertinent legislation (Law 3907/2011, Article 42), a residence permit for humanitarian grounds may be issued to third-country nationals who fall into one of the following categories, provided that they do not constitute a threat to public order and security:

- i. Victims of trafficking who do not cooperate with the law enforcement authorities, provided that an act of classification has been issued by the authorized Public Prosecutor at the Court of First Instance;
- ii. Victims of the criminal acts provided for in articles 1 and 2 of law 927/1979 (Government Gazette 139 A') and in paragraph 1 of Article 16 of Law 3304/2005 (Government Gazette 16 A'), provided that criminal proceedings have been instituted in connection with those acts and until a court decision is pronounced. In case of victims undergoing a treatment, the residence permit shall be granted for as long as they are offered the treatment;
- iii. Adults, victims of domestic violence or persons incapable of dealing with their cases because of health reasons or minors who are in a demonstrable need for protective measures and are hosted in institutions or other legal entities of public benefit, if their return to a safe environment is impossible;
- iv. Minors, whose custody has been granted by order issued either by a Greek court or a foreign court recognised by the Greek authorities, to Greek families or families of third country nationals legally residing in the country or minors in respect of whom adoption proceedings are pending before the Greek authorities;
- v. Victims of accidents at work and other accidents under the Greek legislation for as long as they are offered a treatment or have retired for the same reason. Holding a valid residence permit is a precondition for the applicants of the residence permit provided for persons under this category, unless they are victims of abusive working conditions and their stay in the country is necessary so that employers' commitments be covered;
- vi. People suffering from serious health problems. A recent medical certificate confirms health problems and the duration of treatment. In case the health problem relates to an infectious disease, the consent of the Minister of Health and Social Solidarity shall be required before the above decision is issued, in relation to the absence of any risk to public health. Holding a valid residence permit is a precondition for granting residence permits to people suffering from serious health problems;
- vii. Minors in residential institutions, which operate under the authority of the competent Ministries;
- viii. Adults born in Greece, as well as those who have attended at least six classes at a Greek school before reaching the age of majority, provided they still have a permanent residence status in the country;
- ix. Spouses, parents of national minors and Greek citizens' dependent family members.

Furthermore, taking into account Law 4251/1414 and Law 4332/2015⁵, the following should be mentioned:

With Law 4332/2015, Article "19A" was added to Law 4251/2014 as "Article 19A – Residence permits on humanitarian grounds", according to which by a decision of the Minister of Interior and Administrative Reconstruction a residence permit for humanitarian reasons is granted to third-country nationals who are in Greece and fall into one of the following categories:

- i. Victims of trafficking of human beings who do not fall under the provisions of Articles 49-53 of Law 4251/2014 since there is a relevant characterisation act by the competent Public Prosecutor of District Court. The initial residence permit is of one-year duration, grants the right to paid employment procurement of services or work and can be renewed for two years each time only under the precondition that the relevant criminal proceedings continue. If criminal proceedings are not pending, the residence permit is renewed for one year only.
- ii. Victims and important witnesses of criminal actions, provided for in Articles 81A, 187, 187A, 309 and 310 of the Criminal Code and Articles 1 and 2 of Law 927/1979 (GG A 139) as in force or are punishable as serious crimes and are against life, health, physical integrity, property, ownership, personal and sexual freedom provided a preliminary examination has been ordered or criminal proceedings have been initiated and until the case is closed or a final decision is issued by court. The competent District Court Public Prosecutor establishes the existence of the aforementioned preconditions with an act which is notified to the Migration Policy Directorate of the Ministry of Interior and Administrative Reconstruction. In case the aforementioned persons are under treatment, the residence permit is still granted for the duration of their treatment. The initial residence permit is valid for one year, it gives the right to paid employment – procurement of services or work and can be renewed each time for up to two years provided the same preconditions are met.
- iii. Victims of domestic violence, in accordance with Law 3500/2006 (GG A 232). The initial residence permit is valid for one year and can be renewed for up to two years each time provided the same preconditions are met. A residence permit of the same duration is granted also to the minor children of the victims of domestic violence or to the adult having custody of the

⁵ Also, taking into account the Council Regulation (EC) No 380/2008 of April 18, 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals.

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minor victims of domestic violence provided it is not the same person as the potential offender. Adults holding a residence permit in this case, have the right to paid employment – procurement of services or work.

iv. Third-country nationals who have been employed under particularly abusive working conditions or as minors, in accordance with Article 89 of Law 4052/2012. Such terms are those that are flagrantly disproportionate to the working conditions of the legally employed workers, having grave impact on the health and safety of the workers and insulting human dignity. Discrimination on the grounds of sex is included herein. The initial residence permit is valid for one year.

v. Persons under a legally approved addiction treatment programme as this is proven by a written certification by the programme's Director. The initial residence permit is valid for one year, it grants the right to paid employment – procurement of services or work and can be renewed for up to two years each time provided the same preconditions are met. Upon the successful completion of the programme, the permit can be renewed on one of the grounds provided for in Law 4251/2014.

vi. Third-country nationals whose cases have been referred to the Ministry of Interior and Administrative Reconstruction by the competent Determining Authorities of Article 2 indent (r) of Presidential Decree 113/2014 (A 146) and the Appeal Committees of Articles 26 and 32 of Presidential Decree 114/2010 (A 195), as in force. In order to grant this residence permit, the impossible removal or return to the country of origin or habitual residence due to force majeure is taken seriously into account, as well as health reasons of the same person or of a member of his/her family, international sanctions of their country, the application in regard to the interested party of the clause of non refoulement of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms which has been ratified with Article 1 of Decree Law 53/1974 (GG A 256) or Article 3 of the New York Convention of December 10, 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as ratified with Law 1782/1988 (GG A 116). The residence permit is granted for one year, provides access to paid employment and may be renewed for two years at a time, if the above conditions continue to apply.

vii. Parents of minor Greek nationals. The duration of the residence permit is one year and grants the right to paid employment – procurement of services and work, and can be renewed for one of the grounds of Law 4251/2014. To verify parentage the competent agency shall carry out any investigation deemed necessary.

Moreover, with decision of the Coordinator of the Decentralized Authority of the place of residence of the interested third-country national, a residence permit on humanitarian grounds is granted to the following categories of third-country nationals:

i. Adults who are not able to take care of their affairs due to severe mental or physical health issues or minors who are in need of protection measures and are accommodated in public benefit purpose entities provided that their return into a safe environment is impossible. The initial permit is valid for two years and can be renewed for up to two years each time, provided the same preconditions are met.

ii. Minors, whose custody has been assigned by a Greek Court or a foreign one recognized by the Greek Authorities, to Greek families or families of third-country nationals who reside legally in the country or the adoption of whom is still pending before the Greek authorities. The permit is valid for two years and can be renewed for up to two years each time, provided the same preconditions are met.

iii. Victims of labour accidents and other accidents covered by Greek law, for as long as they undergo treatment or receive pension for the same reason. The permit is valid for two years and can be renewed for up to two years each time, provided the same preconditions are met.

iv. Minors accommodated in boarding houses that operate under the competent Ministries. The permit is valid for two years and can be renewed for up to two years each time, provided the same preconditions are met.

v. Persons suffering from severe mental or physical health issues: Serious health problems and the length of treatment shall be verified by a recent medical certificate. In the event that the health problem relates to an infectious disease, the Minister of Health should consent that there is no threat to public health and the said decision required for the issuance can be issued. For a residence permit to be issued to a person with severe health issues, the applicant should hold a prior valid residence permit. The permit is valid for two years and can be renewed for up to two years each time, provided the same preconditions are met; otherwise it can be renewed for one of the reasons included the relevant Code (Law 4521/2014).

Furthermore, with Law 4332/2015, Article 19 of Law 4251/2014 is amended and it is noted that, where appropriate, the Minister of Interior and Administrative Reconstruction or the Coordinator of the Decentralised Administration, may exceptionally grant a residence permit for a period of two years, to third-country nationals residing in Greece who demonstrate that they have developed strong ties with the country. The residence permit for exceptional reasons may be renewed only for one of the other grounds mentioned provided for in the Immigration Code (Law 4521/2014). An application for granting a permit for exceptional reasons shall be considered only if the third-country national concerned, presents: (a) an entry visa issued by a Greek consular Authority at least three years prior to the filing of the application; or (b) a final residence permit, irrespective of the issuing Authority, whose validity has expired in the last decade before the filing of the application; and (c) documents demonstrating that it has developed special bonds with the country which make his/her stay in the Greek territory necessary.

Also, with Law 4332/2015 (Article 10-Provisions of Law 3907/2011) the competent Authorities on a case-by-case basis may at any time grant an autonomous residence permit for compassionate, humanitarian or other reasons to a third-country national staying illegally in the Greek territory, in accordance with the provisions of Articles 19 and 19A of Law 4251/2014, as in force.

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In addition, in Article 96 of Law 4485/2017, amendment of Law 4375/2016 (A' 51)⁶, it is noted that the Secretary General for Public Order of the Ministry of Interior grants the resident status for humanitarian reasons to applicants for international protection who are holders of an application form in force, whose application was submitted no later than July 7, 2012 and its examination is still pending at second instance, unless there is a risk to national security or public order, in particular as a result of the final conviction of the applicant for committing a serious crime.

Q9a. [EC Recommendation (6)] In your Member State, do return decisions have unlimited duration? *Yes/No*

Q9b. If No, for how long are return decisions valid?

The return decision is valid for as long as the ban on entry does. The maximum period is 10 years.

Q10. Does your Member State have any mechanism in place to take into account any change in the individual situation of the third-country nationals concerned, including the risk of *refoulement* before enforcing a removal? *Yes/No*

If Yes, please describe such mechanism:

The Greek Ombudsman examines the legality of acts, omissions and material actions of the competent Services at all stages of the statutory procedure, from the issuance of the third-country national's return decision to its implementation by land, sea or air transportation to his/her country of origin, while at the same time providing all the institutional tools provided for in its statutes (Law 3094/2003, as in force). It is noted that it has unhindered access to any area of detention, waiting or transit throughout the territory, while it can participate as an observer in the decision-making operations, governed by respect for personality and dignity, as well as for the human rights of the individual under return according to national law (Law 3907/2011 and Law 3386/2005), EU and international law (compliance of the competent Authorities with the common guidelines, criteria and specifications issued for this purpose by the competent bodies of international organisations or the EU institutions). The competent Police Authorities immediately inform the Greek Ombudsman, with a constant flow of data from all Services responsible for returns, which includes all actions of the competent Authorities, aimed at implementation of return of third-country national to his/her country of origin, by coercive means, including readmission procedures. The Greek Ombudsman is expected to prepare individual reports and proposals to the Administration for improvement of the procedures for return, which is subject to a justified response. The Greek Ombudsman also submits to the Hellenic Parliament and publishes its special annual report, with an overview of its findings and suggestions. At the same time, for this purpose, it cooperates with international organisations as well as with NGOs and migrant communities, at a level of regular dialogue, which is guaranteed by the creation of a relevant network, but also with the possibility of assigning individual projects. In addition, third-country nationals may appeal against the return decisions issued by Hellenic Police Authorities to the bodies authorised for this purpose (General Police Directorates, Directors of Services for third-country nationals of Attica and Thessaloniki). The administrative bodies responsible for deciding on appeals have the jurisdiction to review, ex officio, both the legality and the substance of the return decisions and to temporarily suspend their implementation. Additionally, temporary judicial protection may be granted according to the provisions of Law 3900/2010 (Government Gazette 213 A') and Presidential Decree (PD) 18/1989 (Government Gazette 8 A'). An appeal implies the suspension of implementation of the return. In the event that detention is also ordered along with the return decision, the suspension concerns only the return. It should be noted that the postponement period of the removal of the third-country national may be extended, after a relevant assessment of the personal situation of the third-country national by the competent service of the Hellenic Police (Article 24 of Law 3907/2011).

⁶ The subparagraph a' of paragraph 1 of Article 22 of Law 4375/2016 is replaced with 1.a, by way of derogation from the provisions of the paragraphs 1 and 2 of Article 28 of Presidential Decree 114/2010 (A' 195).

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Q11. *[EC Recommendation (7)]* Does your Member State systematically introduce in return decisions the information that third-country nationals must leave the territory of the Member State to reach a third country? **Yes/No**
Please briefly elaborate on important exceptions to the general rule stated above

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Section 3: Risk of absconding

This section will examine Member States' practices and criteria to determine the risk of absconding posed by third-country nationals who have been issued a return decision (to the extent that it has not been covered in previous EMN studies/outputs),⁷ as well as measures aiming to avoid the risk of absconding (as per Article 7(3) of the Return Directive).

Please indicate in your answers if any of the measures described in this section were introduced or changed as a result of implementing EU rules, namely the Return Directive or relevant case law

Q12. [EC Recommendation (15)] In your Member State, are the following elements/behaviours considered as a rebuttable presumption that a risk of absconding exists?

Table 1: Assessment of the risk of absconding

Elements/behaviours	Yes/No	Comments
Refusal to cooperate in the identification process, e.g. by using false or forged documents, destroying or otherwise disposing of existing documents, and/or refusing to provide fingerprints	✓	
Violent or fraudulent opposition to the enforcement of return	✓	
Explicit expression of the intention of non-compliance with a return decision	✓	
Non-compliance with a period for voluntary departure	✓	
Conviction for a serious criminal offence in the Member States	✓	
Evidence of previous absconding	✓	
Provision of misleading information	✓	
Non-compliance with a measure aimed at preventing absconding	✓	
Non-compliance with an existing entry ban	✓	
Lack of financial resources	✓	
Unauthorised secondary movements to another Member State	✓	
Other (please describe)		

Q13. What measures are in place in your Member State to avoid the risk of absconding for the duration of the period for voluntary departure?

- a) Regular reporting to the Authorities; **Yes/No**
- b) Deposit of an adequate financial guarantee; **Yes/No**
- c) Submission of documents; **Yes/No**⁸
- d) Obligation to stay at a certain place; **Yes/No**
- e) Other (please describe)

It is noted that there is a provision for the implementation of the measure of financial guarantee (release on bail), but no relevant Joint Ministerial Decision has been issued for the amount of this guarantee and, therefore, it has not yet been activated.

Q14. Please indicate any challenges associated with the determination of the existence of a risk of absconding in your Member State. In replying to this question please specify for whom the issue identified constitutes a challenge and specify the sources of the information provided (e.g. existing studies/evaluations, information received from competent Authorities or case law)

Assessing the risk of absconding is a challenge, both for the competent Authorities issuing the return decisions and for the third-country nationals under return, since all the necessary information that will establish the existence of the risk or not, should be collected. In addition, the risk of absconding has a large impact on transit countries like Greece, as Greece is not a final destination and therefore the risk of absconding is quite high, in cases where time for voluntary departure is granted.

⁷ For example, the EMN Focused Study 2014 on 'Good Practices in the return and reintegration of irregular migrants: Member States' entry bans policy & use of readmission agreements between Member States and third countries'; the "Ad-Hoc Query on objective criteria to identify risk of absconding in the context of reception directive Art. 8 (recast) and Dublin regulation no 604/2013 art 28 (2)" (Requested by Estonian NCP on October 15, 2014); and the "Ad-Hoc Query on the Return Directive (2008/115/EC) Article 3(7) objective criteria for the 'risk of absconding'" (Requested by LT EMN NCP on February 11, 2013).

⁸ So far, no such measure has been implemented.

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Q15. Please describe any examples of good practice in your Member State's determination of the existence of a risk of absconding, identifying as far as possible by whom the practice in question is considered successful, since when it has been in place, its relevance and whether its effectiveness has been proved through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, studies by NGOs and International Organisations, etc.)

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Section 4: Effective enforcement of return decisions

This section of the Synthesis Report will present Member States' practices in relation to the effective implementation of return decisions. In particular, it will examine the following issues (to the extent that they are not already covered by previous EMN studies and recent EMN Ad-Hoc Queries): the application of the principle of mutual recognition of return decisions by the Member States (as provided for by Council Directive 2001/40/EC⁹ and Council Decision 2004/191/EC;¹⁰ the use of detention and alternatives to detention in return procedures (as per Article 15 of the Return Directive); the extent to which emergency situations have led national Authorities to apply derogations from the standard periods of judicial review and general detention conditions (Article 18 of the Return Directive); and the use of European travel documents for return in accordance with Regulation 2016/1953.¹¹

Please note that similar information was requested in the EMN 2014 Study on 'The use of detention and alternatives to detention in the context of immigration policies' and the EMN Ad-Hoc Query on the Use of Detention in Return Procedures (update) requested by the European Commission on 9th August 2016. Please review your Member State contribution to the aforementioned Study and Ad-Hoc Query (if completed) and provide only updated information here.

Please indicate in your answers if any of the measures described in this section were introduced or changed as a result of implementing EU rules, namely the Return Directive or relevant case law

Q16. [EC Recommendation (11)] Does national legislation in your Member State foresee any sanctions for third-country nationals who fail to comply with a return decision and/or intentionally obstruct return processes? **Yes/No**

If Yes, please specify to whom such sanctions apply and their content

In cases where the third-country national does not comply with the return decision (e.g. non-compliance with the time granted from the competent Service for the voluntary departure), then his/her administrative detention is ordered in a Pre-removal Detention Centre for third-country nationals, in order to implement the return to his/her country of origin.

Section 4.1. Mutual recognition

Q17. [EC Recommendation (9)(d)] Does your Member State systematically recognise return decisions issued by another Member State to third-country nationals present in the territory? **Yes/No**

Please briefly elaborate on your practice and any exception to the general rule stated above.

In case where a third-country national is arrested, against whom, following a relevant inquiry, a return decision has been issued by another Member State, then the relevant Authorities of the Member State shall be informed accordingly. A return decision to the third country is issued against the third-country national. If the third-country national had a residence permit in the Member State, and this arises after the return procedure from Greece has begun, then consultations shall be held with the Member State in accordance with the provisions of the Schengen Borders Code on the procedure to be followed (return to the Third-Country or return to the Member State).

If Yes, does your Member State:

- a) Initiate proceedings to return the third-country national concerned to a third country; **Yes/No**
- b) Initiate proceedings to return the third-country national concerned to the Member State which issued the return decision; **Yes/No**
- c) Other (*please specify*)

If No, please specify the reasons why your Member State does not recognise return decisions issued by another Member State

⁹ Council Directive 2001/40/EC of May 28, 2001 on the mutual recognition of decisions on the expulsion of third-country nationals, OJ L 149, June 2, 2001.

¹⁰ Council Decision 2004/191/EC of February 23, 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals, OJ L 60, February 27, 2004.

¹¹ Regulation (EU) 2016/1953 of the European Parliament and of the Council of October 26, 2016 on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of November 30, 1994, OJ L 311, November 17, 2016.

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Section 4.2. Travel documents

Q18. [EC Recommendation (9)(c)] Does your Member State issue European travel documents for return in accordance with Regulation 2016/1953?¹² **Yes/No**

If Yes, in which cases do you issue these documents?

Currently, competent Authorities are in the process of purchasing a special type of paper for the issuance of EU L-P's in accordance with the technical requirements of the Regulation of the European Commission. Once this procurement is concluded, they will be able to issue these documents. Initially, the issuance of temporary travel documents, upon agreement with the European Commission, will concern Afghan nationals, and will then be applied to other third countries. It is estimated that the issuance of EU-LP's will start in the new year.

If Yes, are these documents generally accepted by third countries? **Yes/No**

Please briefly elaborate on important exceptions to the general rule stated above

Q19. In your Member State, what is the procedure followed to request the third country of return to deliver a valid travel document/to accept a European travel document? Please briefly describe the Authorities responsible for carrying out such requests (where relevant, for each type of document, e.g. laissez-passer, EU travel documents...) and the timeframe within which these are lodged before third countries.

In cases where a third-country national does not have the necessary travel documents, the Hellenic Police Services, after determining the citizenship and receiving the identification data, are addressed to the Consular Authorities of the third-country national's country of origin, with the intervention of the Ministry of Foreign Affairs, in cases where this is required. Since all the Embassies of third countries in Greece are based in Athens, the Department of Returns of the Attica Directorate for third-country nationals is responsible for conducting group/focus interviews for the identification of third-country nationals under return to their countries of origin. Through the Office for the Coordination of Returns of the aforementioned Department, there is a daily cooperation with the Consular Authorities of third countries in Greece, in the field of recognition and identification of citizenship and the documents of identity of third-country nationals, in order to issue the necessary travel documents for return to their countries of origin. Except for the cooperation with the above Consular Authorities, the Office for the Coordination of Returns of the Directorate for third-country nationals of Attica cooperates with the European Agency FRONTEX (European Border and Coast Guard Agency), which contributes decisively to both the identification process, and the training and dispatch of units of identifiers (screener) for the determination of citizenship of third-country nationals, as well as in the field of returns, by organising joint return operations, use of links of other Member States, etc. In addition, the Office for the Coordination of Returns cooperates with the International Organization for Migration (IOM) – Office in Greece, which assists in the cooperation with Consular Authorities of third countries with no representation in Greece, and with the issuance of the necessary travel documents. In the case where the necessary travel documents cannot be obtained, due to non-representation by the Consular Authorities of these countries, the Office for the Coordination of Returns cooperates with the above-mentioned Organisations and contacts directly, where it becomes feasible, the Diplomatic Authorities of third countries that are based abroad. To this end, there is cooperation with the Ministry of Foreign Affairs, so that the signed Readmission Agreements with third countries are respected and applied both in the EU and bilateral level. The time span between recognition and issuance of travel documents varies, depending on the country of origin and the level of cooperation with Greece. It should be noted that Greece faces significant problems in the issuing of travel documents by the Consular Authorities concerning the forced return of third-country nationals, as the in-country Embassies of the Third-Countries do not cooperate regarding extradition, which is a hindrance to the implementation of forced returns. The same is not generally the case where the third-country national wishes to be returned voluntarily to their country of origin.

Section 4.3. Use of detention in return procedures

Please indicate in your answers if any of the measures described in this section were introduced or changed as a result of implementing EU rules, namely the Return Directive or relevant case law.

Q20a. [EC Recommendation (10)(a)] In your Member State, is it possible to detain a third-country national within the context of the return procedure? **Yes/No**

Please briefly elaborate on any exceptions to the general rule stated above

An exception to the detention rule is applied to cases where the third-country national under return falls within at least one of the categories of vulnerable groups as defined with Law 3907/2011 (incorporation of the Return Directive 2008/115/EC). Particularly in cases where the third-country national is an unaccompanied minor, he/she is not detained but placed under a guardianship status until a place in an appropriate accommodation structure for minors is found.

¹² Ibid.

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Q20b. If Yes, please specify the grounds on which a third-country national may be detained (select all that apply)

- a) If there is a risk of absconding; **Yes/No**
- b) If the third-country national avoids or hampers the preparation of a return or removal process; **Yes/No**
- c) Other (*please specify*).

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Q21. How often does your Member State make use of detention for the purpose of removal? Please complete the table below for each reference year (covering a 12-month period, from January 01 to December 31).¹³

Table 2: Third-country nationals placed in detention 2012-2016

	2012	2013	2014	2015	2016	Comments
Total number of third-country nationals placed in detention	No statistics available	14.695	31.214	491.682	14.864	
Number of third-country nationals placed in detention (men)	No statistics available ¹⁴	No statistics available	No statistics available	No statistics available	No statistics available	
Number of third-country nationals placed in detention (women)	No statistics available	No statistics available	No statistics available	No statistics available	No statistics available	
Number of families in detention	No statistics available	No statistics available	No statistics available	No statistics available	No statistics available	
Number of UAMs in detention	No statistics available	No statistics available	No statistics available	No statistics available	No statistics available	

Q22a. [EC Recommendation (10)(b)] In your Member State, what is the overall maximum authorised length of detention (as provided for in national law or defined in national case law)?¹⁵

The law provides for a maximum period of detention (see also Q22b regarding the extension and exceptionally maximum extension), which may not exceed a period of 6 months. In terms of the Hellenic Police, an effort is made to implement the return within a period of 6 months.
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Q22b. Does your national legislation foresee exceptions where this maximum authorised length of detention can be exceeded? *Yes/No*

Please elaborate under which circumstances:

<p>The maximum duration of detention may be extended to up to 12 more months (a total of 18 months) in cases where, despite the reasonable efforts of the competent Services, the departure process is likely to last longer because:</p> <ul style="list-style-type: none"> • the third-country national refuses to cooperate, or • there are delays in obtaining the necessary documents from third countries. <p>In practice, irregularly staying third-country nationals are generally detained for up to 6 months, in order for return decisions to be implemented, and if this is not accomplished, they are released under restrictive conditions (regular reporting to the Authorities, limitation of stay in a particular location, etc.).</p> <p>In theory, if a third-country national happens to complete the maximum period of 18 months, then he/she will be released on restrictive terms. It is not possible to re-detain an under return third-country national who has already been released, unless for the procedures for his/her immediate removal to be completed.</p>
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¹³ The following (Member) States provided quantitative information on the use of detention for the period January 01, 2012-July 31, 2016 through the EMN Ad-Hoc Queries on the 'Use of Detention in Return Procedures - Requested by COM on November 30, 2015' and 'Use of Detention in Return Procedures (update) - Requested by COM on August 09, 2016': Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, The Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, and Norway. Therefore, they should only provide complete data for the period January 01-December 31, 2016.

¹⁴ No statistics available for male/female segregation. In the context of the upgrade of the mapping application for third-country nationals, statistics on return will be automatically exported from the system.

¹⁵ Please review your contribution to the EMN Ad-Hoc Query Use of Detention in Return Procedures (update) - Requested by COM on August 09, 2016 and provide only updated information in response to this question.

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Q23a. In your Member State, is detention ordered by administrative or judicial Authorities?

a) Judicial Authorities; *please specify*

b) Administrative Authorities; *please specify*

c) Both judicial and administrative Authorities; *please specify*

The Hellenic Police is the responsible body, at the national level, to issue administrative detention decisions to third-country nationals who have entered or reside illegally in the Country. The agency issuing the detention order, or that responsible for further management of the third-country national, reviews ex officio (every 3 months) whether the preconditions for detention are still met and in order to decide to further impose or keep the measure in force, it takes into account whether appropriate detention facilities are available, and decent living conditions can be secured for the detainees. In addition, the preconditions of detention are reviewed ex officio every 3 months from the Judicial Authorities as well. The detained third-country national, along with his/her rights under the Code of Administrative Procedure, may raise objections, against the decision of his/her detention or extension of his/her detention, before the Administrative Court of First Instance, in the Region in which he/she is detained.

Q23b. If detention is ordered by administrative Authorities, please provide more detailed information on the procedure for reviewing the lawfulness of the detention and the timeframe applicable to such a review:

a) The lawfulness of detention is reviewed by a judge ex officio: **Yes/No**

If Yes, how long after the start of detention?

See Q23a.

b) The lawfulness of detention is reviewed by a judge if the third-country national takes proceedings to challenge the lawfulness of detention; **Yes/No**

If Yes, how long after the initiation of such proceedings by the third-country national?

The relevant request of the third-country national, to appeal against the detention decision, is directly sent to the Administrative Court of First Instance where the Police Service, in which the appeal has been lodged, is based, in order to rule on the legality, or not, of the detention.

Q24a. In your Member State, is the duration of the stay of a third-country national in detention reviewed upon application by the third-country national concerned or ex officio? *Please note that whereas Q23b above refers to the review of the lawfulness of the decision to detain, Q24a and Q24b and 24c below refer to the review of the duration of the stay of the third-country national in detention.*

Along with the examination of the existence of the preconditions of detention, which is reviewed ex officio every 3 months by the State agency which issued the detention order, or the Service responsible for the further management of the third-country national (Police Service), the length of detention of the third-country nationals is also examined in order to comply with the applicable law.

Q24b. In your Member State, how often is the stay of a third-country national in detention reviewed (*e.g. every two weeks, every month, etc.*)?

The agency issuing the detention order, or that responsible for further management (Police Service) of the third-country national, reviews ex officio (every 3 months) whether the preconditions for detention are still met.

Q24c. In your Member State, is the stay of a third-country national in detention reviewed by judicial or administrative Authorities?

a) Judicial Authorities; *please specify*

b) Administrative Authorities; *please specify*

c) Both judicial and administrative Authorities; *please specify*

The agency issuing the detention order, or that responsible for further management (competent Police Service) of the third-country national, reviews ex officio (every 3 months) whether the preconditions for detention are still met. In addition, the preconditions for detention are reviewed every 3 months by the Judicial Authorities as well.

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Q25. [EC Recommendation (10)(c)] How many detention centres were open and what was the total detention capacity (number of places available in detention centres) as of December 31, 2016? Please complete the table below, indicating if possible the number of places available for men, women, families and unaccompanied minors.¹⁶ If such disaggregation is not possible, please simply state the total number of detention places available in your Member State

Table 3: Detention capacity as of December 31, 2016

Number of detention centres		Situation as of December 31, 2016	Comments
Number of places available in detention centres per category of third-country nationals		7	Total number of places
	Men	6.087	
	Women	40	
	Families		
	Unaccompanied minors		
	Total	6.127	

Q26. How does your Member State measure the number of detention places? (e.g. in terms of the number of beds, the square meters available per detainee, etc.)

For the establishment of the Pre-removal Detention Centres for third-country nationals, the terms and conditions¹⁷ for their creation were defined, in order to apply the existing provisions regarding safety and hygiene conditions. The number of detention places is determined by the available space and the type of facilities (building, prefabricated, etc.) taking into account, inter alia, the directives of the Committee of the Council of Europe on Prevention of Torture and Inhuman or Degrading Treatment or Punishment (C.P.T.).

Q27 [EC Recommendation (21)(c)]. In your Member State, are third-country nationals subject to return procedures detained in specialised detention facilities (i.e. a facility to keep in detention third-country nationals who are the subject of a return procedure)? **Yes/No**

Please briefly elaborate on important exceptions to the general rule stated above

An exception to the detention rule is applied to cases where the third-country national under return falls within at least one of the categories of vulnerable groups as defined in Law 3907/2011 (transposing Return Directive 2008/115/EC). Particularly in cases where the third-country national is an unaccompanied minor, he/she is not detained, but rather placed under a guardianship status until a place in a suitable accommodation structure for minors is found.

If No, please specify the kind of facilities which are used to detain third-country nationals.

Q28a. Has your Member State faced an emergency situation where an exceptionally large number of third-country nationals to be returned placed an unforeseen heavy burden on the capacity of the detention facilities or on the administrative or judicial staff? **Yes/No**

Please elaborate on the circumstances in which this happened:

Greece experienced an unprecedented refugee/immigration challenge in the year 2015 (911.471 arrests in the 12-month period of 2015 compared to 77.163 arrests in the 12-month period of 2014), which continued during the first 3 months (Q1) of 2016 and until the signature of the EU-Turkey Statement on March 18, 2016. The State mechanism coped with the management of the complex organisational and humanitarian issues which pressed for immediate solution due to such a large number of third-country nationals in open hospitality structures, located throughout the mainland of Greece; this created a series of difficulties at central and local level, but the situation is manageable with the excellent cooperation and joint efforts and contribution of all competent state bodies, international organisations and collaborating Non-Governmental Organisations (NGOs). In order to better coordinate actions related to the management of migratory flows and the third-country nationals under return, the support that Greece has received from the European Commission, the Member States of the European Union and the European Organisations (EASO, FRONTEX, etc.) is important. To this end, meetings, with the participation of all stakeholders involved in issues of managing migration flows, are held on a weekly basis.

Q28b. Has your Member State's capacity to guarantee the standards for detention conditions, as defined in Article 16 of the Return Directive, been affected due to an exceptionally large number of other categories of third-country nationals (e.g. Dublin cases) being placed in detention facilities? **Yes/No**

¹⁶ Please review your contribution to the EMN Ad-Hoc Query Use of Detention in Return Procedures (update) - Requested by COM on August 09, 2016 and provide only updated information in response to this question.

¹⁷ The specifications do not exist somewhere clearly predefined. In any case, the security rules for the smooth operation of the detention centre should be ensured.

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Q28c. If Yes to Q28a, please describe the situation(s) in additional detail and provide information on any derogations that your Member State may have decided to apply with respect to general detention conditions and standard periods of judicial review (e.g. during the emergency situation, third-country nationals had to be detained in prison accommodation in order to increase the detention capacity, the detention was reviewed once a month instead of once a week, etc.)

The movement of migratory flows from the Evros area to the eastern sea border of Greece (particularly since July 2015), has resulted in dealing with the management of mixed migratory flows in the North Aegean with great difficulty, with the operation of the Pre-removal Detention Centre for third-country nationals (PRO.KE.KA. in Greek) in the island of Lesbos and the former Nationality Identification Center (KE.T.Y. in Greek) in the islands of Samos, Lesbos and Chios, while the lack of proper reception and detention structures in the South Aegean region, made the management of newcomer third-country nationals difficult. In this context and according to the legislation in force, a restrictive condition of non-departure from the island is imposed on the newcomer third-country nationals, until their readmission to Turkey is achieved (examination of asylum claims, appeals/legal actions), in order to decongest the situation in the reception and detention structures in the islands of the eastern Aegean.

[Section 4.4. Use of alternatives to detention in return procedures](#)

Q29. Please indicate whether any alternatives to detention for third-country nationals are available in your Member State and provide information on the practical organisation of each alternative (including any mechanisms that exist to monitor compliance with/progress of the alternative to detention) by completing the table below.

[Table 4: Alternatives to detention](#)

Alternatives to detention	Yes/No (If yes, please provide a short description)
Reporting obligations (e.g. reporting to the policy or immigration Authorities at regular intervals)	At this stage, Greece implements the following types of alternatives to detention: <ul style="list-style-type: none"> • regular appearance before the Authorities, • the obligation to stay in a specific place (without restriction of freedom), which may be accompanied by assistance to Voluntary Return and Reintegration/Relocation Programs of the International Organization for Migration (IOM), with the assistance of the Services of the Hellenic Police, while the implementation of other alternatives to detention measures, that aim at less human costs (avoiding the difficulties associated with detention), are considered. Yes
Obligation to surrender a passport or a travel document	No
Residence requirements (e.g. residing at a particular address)	Yes
Release on bail (with or without sureties) <i>If the alternative to detention “release on bail” is available in your (Member) State, please provide information on how the amount is determined and who could be appointed as a guarantor (e.g. family member, NGO or community group)</i>	No. It is noted that there is a provision for the implementation of the measure of release on bail, but no relevant Joint Ministerial Decision has been issued for the amount of this guarantee and, therefore, it has not yet been activated.
Electronic monitoring (e.g. tagging)	No
Guarantor requirements <i>If this alternative to detention is available in your (Member) State, please provide information on who could be appointed as a guarantor (e.g. family member, NGO or community group)</i>	No
Release to care worker or under a care plan	No
Community management programme	No
Other alternative measure available in your (Member) State. Please specify.	

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Q30. Please indicate any challenges associated with the implementation of detention and/or alternatives to detention in your Member State. In replying to this question please note for whom the issue identified constitutes a challenge and specify the sources of the information provided (e.g. existing studies/evaluations, information received from competent Authorities or case law)

Considering that Greece is the main gateway for the third-country nationals from the sea borders with Turkey, and that Greece is a transit and not a destination country, the risk of absconding is quite high. Therefore, it becomes particularly difficult to implement alternatives to detention measures. Taking into account the above, monitoring the proper implementation of alternatives to detention measures, is a challenge for the Hellenic Police.

Q31. Please describe any examples of good practice in your Member State's implementation of detention and alternatives to detention, identifying as far as possible by whom the practice in question is considered successful, its relevance, since when the practice has been in place and whether its effectiveness has been proved through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, studies by NGOs and International Organisations, etc.)

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Section 5: Procedural safeguards and remedies

This section will study Member States practices on the interpretation and implementation of EU rules relating to appeal deadlines and suspensive effect of appeals (as per Articles 13 of the Return Directive).

Please indicate in your answers if any of the measures described in this section were introduced or changed as a result of implementing EU rules, namely the Return Directive or relevant case law

Q32. [EC Recommendation (12)(d)] Is the application of the principle of *non-refoulement* and/or of Article 3 European Convention on Human Rights systematically assessed as part of the procedure to take a return decision? **Yes/No**

Please briefly elaborate on important exceptions to the general rule stated above

All competent Hellenic Police Services have been given clear orders and instructions on the respect of human rights and dignity of all irregular migrants arriving in Greece, while showing particular concern to the right to apply for international protection and the legal remedies provided. It is clarified that no third-country national under detention, who is applying for international protection and until his application is evaluated, is returned (requesting international protection, filing a request, examining in the first instance, examination of the appeal on admissibility), as Greece is respecting the requirements of the Geneva Convention and the procedures that are provided for in Directive 2013/32/EU, which was transposed into the national legislation with Law 4375/2016. In addition, instructions have been given and highlighted in order to make absolutely understandable the specific issues relating to the compliance of the necessary conditions in terms of hygiene and safety, in the detention facilities of third-country nationals, as well as the protection of the human and other established rights of the prisoners, for which the Services should take special care and give attention, in order to safeguard them. Regarding the appropriate, conduct of the authorised officials, in accordance with the provisions in force governing these matters, who are responsible for guarding and for the general management of third-country nationals, it should be underlined that it is an established priority for both the Physical and Political Leadership of the Hellenic Police Force and the relevant Ministry. Concerning the exercise of legal remedies against the return decision in the case of the rejection of an application for a residence permit, to which rejection decision the return decision is attached, which if not implemented by the third-country national becomes forced by a decision of the Hellenic Police, and in particular against the return decisions issued by the Police Authorities, in accordance with Article 28 "Legal Remedies" (Article 13 of the Directive) of Law 3907/2011, third-country nationals may exercise the administrative appeal of Article 77 of Law 3386/2005. Against the return decisions, incorporated in decisions of rejecting an application, for the grant or renewal of a residence permit, and decisions to revoke a valid residence permit, third-country nationals are entitled to appeal in accordance with Article 24 of the Code of Administrative Procedure. The administrative bodies responsible for deciding on appeals of paragraph 1, have the competence to review ex officio both the legality and the substance of the return decisions and to temporarily suspend their application. Provisional judicial protection is granted under the provisions of Law 3900/2010 (Government Gazette 213 A') and the Presidential Decree 18/1989 (Government Gazette 8 A'). The Authorities competent for issues of third-country nationals are required to provide information and assistance to a third-country national requesting legal advice, representation by a lawyer and language assistance in order to exercise his/her rights. The necessary legal assistance and representation is provided free of charge upon request, in accordance with the provisions of Law 3226/2004 (Government Gazette 24 A'), if, at the discretion of the judge, the application for annulment is not manifestly inadmissible or manifestly unfounded, Article 15 paragraphs 3 to 6 of Directive 2005/85/EC, as incorporated into the Greek legal system by Presidential Decree 114/2010 (Government Gazette 195 A') (entered into force on December 24, 2011). An application for annulment of the return decisions is made pursuant to paragraph 1 of Article 15 of Law 3068/2002 (Government Gazette 274 A'), as amended by Article 49 of Law 3900/2010.

If No, under which circumstances is it assessed?

- a) It is never assessed as part of the return procedure; **Yes/No**
- b) It is only assessed once (e.g. during the asylum procedure) and does not need to be repeated during the return procedure; **Yes/No**
- c) Other (please specify)

Q33. In your Member State, before which Authority can a return decision be challenged?

- a) Judicial Authority; **Yes/No**
 - b) Administrative Authority; **Yes/No**
 - c) Competent body composed of members who are impartial and who enjoy safeguards of independence. **Yes/No**
- If Yes to c), please specify

The right of third-country nationals to challenge the detention measure in deportation cases is provided for by existing legislation. In particular, in Article 76 of Law 3386/2005 "Conditions and procedure of administrative expulsion", it is stated that "...The third-country in detention, along with his rights according to the Code of Administrative Procedure, may also express objections against the decision for his detention before the president or the judge of the first instance court defined by the latter, in the region of his detention...", a right which may be exercised at any time during detention. A corresponding provision exists in Law 3907/2011. In addition, the competent Police Authorities immediately inform the Greek Ombudsman, with a constant flow of data from all the Services responsible for returns. This includes all actions of the competent Authorities aimed at the implementation of the return of the third-country national to his/her country of origin by coercive means, including readmission procedures. The Greek Ombudsman is expected to prepare individual reports and proposals to improve the procedures for return to the administration, which is subject to a justified response. The Greek Ombudsman also submits to the Hellenic Parliament and publishes its special annual report with an overview of its findings and suggestions. At the same time, for this purpose, it cooperates with international

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organisations as well as with NGOs and migrant communities, at a level of regular dialogue, which is guaranteed by the creation of a relevant network, and also with the possibility of assigning individual projects.

Q34. [EC Recommendation (12)(b)] Is there a deadline for the third-country national concerned to appeal the return decision? *Yes/No*

If Yes, please specify whether the deadline is:

- a) **Less than a week;**
- b) Two weeks;
- c) One month;
- d) As long as the return decision has not been enforced.
- e) Other (please specify)

According to pertinent legislation (Article 77 of Law 3386/2005 and Article 28 of Law 3907/2011) the third-country national under return, has the right to appeal against the return decision within 5 days from the notification of the decision to him/her. The appeal involves the suspension of implementation of the return, but not the detention. Concerning the exercise of legal remedies against the return decision (Article 28 of Law 3907/2011), as a result of the rejection of a request for renewal or withdrawal of a residence permit, in accordance with Circular No. 37 of July 11th 2011 "on returns of illegally staying third-country nationals – Implementation of Articles 16 to 41 of Law 3907/2011", in order to promote the voluntary return, Article 28, paragraph 3 of Law 3907/2011, enhanced assistance and advice to the third-country national requesting legal advice, representation by a lawyer and language assistance, are provided, in order to exercise the legal remedies laid down. In particular, with regard to return decisions incorporated into decisions of rejecting an application for the grant or renewal of a residence permit, as well as decisions of its revocation, third-country nationals are entitled to apply for an administrative appeal and request from the administrative Authority which issued the contested act, its revocation or its amendment, in accordance with Article 24 of the Code of Administrative Procedure. The Services have to notify the individual concerned of the decision on the above application within a 30-day deadline. It should be noted that due to the maximum time which is provided for the voluntary departure of 30 days, the administrative appeal request should be examined as a matter of priority and the decision should not exceed 10 days. If, in any way, information regarding return decisions issued comes to the understanding of the Services, the administrative bodies responsible for deciding on appeals (requests for administrative appeal) have the competence to review ex officio, both the legality and the substance of the return decisions and to temporarily suspend their implementation. According to the provisions of Article 26 of Law 2690/99 "Where an administrative appeal is lodged, the administrative Authority competent for its examination may, at the request of the individual concerned or ex officio, suspend the implementation of the administrative act until a decision on the appeal is made, in any case, not beyond the deadline set out for the decision". Provisional judicial protection for the third-country national in return is granted in accordance with the provisions of Law 3900/2010 (A' 213) and Presidential Decree 18/1989 (A' 8) and an application for the cancellation of the return decisions is exercised in accordance with paragraph 1 of Article 15 of Law 3068/2002 (A' 274), as amended by Article 49 of Law 3900/2010 (A' 213).

Q35. [EC Recommendation (12)(c)] In your Member State, does the appeal against a return decision have a suspensive effect? *Yes/No*

If Yes, under which conditions? Are there cases where the appeal is not suspensive (please describe)?

Third-country nationals may exercise an administrative appeal against return decisions issued by Police Authorities, to the bodies authorised for this purpose (General Police Directorates of the Regions of Greece, Directors of Services for third-country nationals of Attica-Thessaloniki). The administrative bodies which are responsible for deciding on appeals have the jurisdiction to review ex officio both the legality and the substance of the return decisions and to temporarily suspend their implementation. Additionally, temporary judicial protection may be granted, according to the provisions of Law 3900/2010 (Government Gazette 213 A') and of the Presidential Decree (PD) 18/1989 (Government Gazette 8 A'). The appeal involves the suspension of implementation of the return. In case detention has also been ordered, along with the return decision, the suspension concerns only the return.

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Q36. Does national legislation in your Member State provide for an administrative/judicial hearing for the purposes of return? **Yes/No**

Please briefly elaborate on important exceptions to the general rule stated above

Q37. [EC Recommendation (12)(a)] In your Member States, is there a possibility to hold the return hearing together with hearings for different purposes? **Yes/No**

If Yes, which ones (e.g. hearings for the granting of a residence permit or detention)?

The hearing can take place at the various stages of the return, but also at the examination of requests for international protection, etc.

Q38. Is there an obligation for the third-country national concerned to attend the hearing in person? **Yes/No**

If No, please describe what alternatives can be used (e.g. phone, videoconference...)

The third-country national may be represented by his/her legal representative before the competent Authorities for the examination of his appeal.

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Section 6: Family life, children and state of health

This section will study Member States' practices on the interpretation and implementation of EU rules relating to: the assessment of the best interest of the child; the assessment of family life; the assessment of the state of health of the third-country national concerned; irregularly staying unaccompanied minors; and the use of detention in the case of minors, as per Articles 3, 10 and 17 of the Return Directive. Questions referring to children below refer both to accompanied and unaccompanied minors, unless specified.

Please indicate in your answers if any of the measures described in this section were introduced or changed as a result of implementing EU rules, namely the Return Directive or relevant case law

Q39. In your Member State, which categories of persons are considered vulnerable in relation to return/detention (e.g. minors, families with children, pregnant women or persons with special needs)?

Please differentiate between return and detention if applicable

According to the legislation in force, vulnerable groups include pregnant women or women undergoing treatment (although excluded from Article 41 of Law 3907/2011), single parent families, individuals with severe health problems and unaccompanied minors. In this context, vulnerable groups cannot be returned for as long as their vulnerability persists, while they are not detained, but in a status of protective care when needed. Especially for unaccompanied minors, their return can only be implemented when it is to the best interest of the individual.

Q40. [EC Recommendation (13)] In order to ensure that the best interest of the child is taken into account, how and by whom is it assessed before issuing a return decision?

In the cases of unaccompanied minors or victims of human trafficking, the competent Prosecuting or Police Authorities take the necessary measures to identify their identity and citizenship, and to establish the fact that they are not accompanied. Also, they make every effort to locate their family as soon as possible and immediately take the necessary measures to ensure their legal representation and, where appropriate, their representation in the context of criminal proceedings. The above procedure is followed in any case, even when the unaccompanied minor does not apply for asylum. In particular, on the procedure to be followed, the Public Prosecutor of Juveniles or the locally competent District Attorney, is appointed as a temporary Guardian (custodian) of the minor, and subsequently, in cooperation with NGOs and social services, the permanent Guardian of his/hers is appointed (usually a social worker) to ensure the necessary representation of the minor. If the designated Guardian does not perform his/her duties, he/she may be replaced by order of the Prosecutor. Unaccompanied minors, who do not apply for international protection, have the obligation to cooperate for their return. A precondition for repatriation is to ensure that the minor is not at risk in his/her country of origin, and that his/her social and family environment is able to ensure his/her smooth reintegration, mental-physical rehabilitation and guarantee of his/her rights, resulting from his/her childhood and taking into account above all the interest of the child. Individuals and bodies competent to provide care and to safeguard his/her rights, according to his/her needs, age and maturity, carry out the investigation process, with the aim of safely repatriating every unaccompanied minor. The consent of the competent Public Prosecutor of Juveniles is required for the repatriation, and prior to repatriation, cooperation with the competent Authorities, Services and Non-Governmental Organisations (NGOs) is undertaken. Especially for minor Albanian nationals, the governments of Greece and Albania have signed an agreement to protect them, including repatriation, rehabilitation and care of Albanian minors who are victims of human trafficking in Greece. If return is not possible by the Services of Greece, an effort is made to transfer unaccompanied minors in appropriate hosting structures, in cooperation with jointly responsible governmental bodies and Non-Governmental Organisations (NGOs). Minors seeking asylum are transferred, in cooperation with government agencies, to appropriate accommodation facilities (Asylum Seekers Reception Centres of Minors) and all the necessary actions take place, including legal assistance, throughout the asylum procedure. At the same time, Police Services, pursuant to the Dublin Regulation, while adhering to the basic principle of maintaining family unity, put forth all efforts to reunite unaccompanied minors, who are in the territory of Greece, with their family members who reside in a Member State of the European Union. To this end, they cooperate with the United Nations High Commissioner for Refugees (UNHCR) and NGOs, in order to substantiate the relevant requests and to allow the transfer of minors near their families, while ensuring their safety. Of course, the issue is extremely complex, as many of them want to go to another European country, where their relatives reside. In order to upgrade the guardianship system, the Ministry of Justice and the Ministry for Migration Policy are examining the review of the legislative framework.

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Q41. In your Member State, what elements are taken into account to determine the best interest of the child when determining whether a return decision should be issued against an irregularly staying minor (aside from the assessment of the *non-refoulement* principle)?

Table 5: Elements considered in determining the best interest of the child

Elements considered	Yes/No	Comments
Child's identity	Yes	
Parents' (or current caregiver's) views	Yes	
Child's views	Yes	
Preservation of the family environment, and maintaining or restoring relationships	Yes	
Care, protection and safety of the child	Yes	
Situation of vulnerability	Yes	
Child's right to health	Yes	
Access to education	Yes	
Other (please describe)		

Q42. In the event a return decision against an unaccompanied minor cannot be carried out, does your Member State grant the minor a right to stay? **Yes/No**

If Yes, please describe any relevant practice/case law.

Q43. [EC Recommendation (13)(c)] Does your Member State have in place any reintegration policies specifically targeted to unaccompanied minors? **Yes/No**

If Yes, please describe such policies

Q44. In your Member State, can the enforcement of the return decision be postponed on the grounds of health issues? **Yes/No**

If Yes, please describe any relevant practice/case law.

In such cases, the implementation of the return may be suspended, in order not to burden the health of the third-country national, and it shall come into force once the state of health of the third-country national allows it. In particular, according to Article 24 "Postponement of Removal" (Article 9 of the Directive) of Law 3907/2011, the removal of a third-country national who is in the process of return is obligatorily deferred in the cases where the Police Authorities responsible for the implementation of the return decision, may, by reasoned decision, postpone the removal for a reasonable period, taking into account the particular circumstances of each case, and in particular the physical or mental state of the third-country national. The decision to postpone the removal is handed to the third-country national and constitutes a written confirmation that the return decision cannot be executed temporarily (certificate of postponement of the removal). This certificate is valid for 6 months and can be renewed after a new evaluation regarding the continuation of the unattainable of the removal. During the period of validity of the written confirmation, its holder has a temporary right of residence in Greece and must, in any case, remain at the disposal of the Authorities responsible for the execution of the removal and to cooperate with them, so that the removal can be carried out in a short time.

Q45. In your Member State, how is the assessment of the state of health of the third-country national concerned conducted?

- a) The third-country national brings his/her own medical certificate; **Yes/No**
- b) The third-country national must consult with a doctor appointed by the competent national Authority; **Yes/No**
- c) Other (please describe)

Q46. When returnees suffer from health problems does your Member State take into account the accessibility of medical treatment in the country of return? **Yes/No?**

If Yes, which Authority is responsible for this assessment of the accessibility?

The competent Authorities for issuing a return decision, take into account the situation of the third-country national in order to decide whether his/her repatriation is possible, or not.

Q47. When returnees suffer from health problems, does your Member State make provision for the supply of the necessary medication in the country of return? **Yes/No**

If Yes, for how long is the medication provided?

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Q48. Does your Member State postpone return if the third-country national concerned is pregnant? Please specify (e.g. pregnancy as such is not a cause for postponement, but can be if pregnancy is already advanced, e.g. after eight months)

According to Law 3907/2011, Article 41, the ban on return includes also pregnant women, during pregnancy and 6 months after giving birth.

Q49a. [EC Recommendation (14)] In your Member State, is it possible to detain persons belonging to vulnerable groups, including minors, families with children, pregnant women or persons with special needs? Please indicate whether persons belonging to vulnerable groups are exempt from detention, or whether they can be detained in certain circumstances.

In cases where a third-country national under return falls into a vulnerable group, and in particular unaccompanied minors, according to the applicable legislation, he/she is not detained but placed under a guardianship status until a place in a suitable accommodation structure for minors is found.

Q49b. If applicable, under which conditions can vulnerable persons be detained? NCPs are asked in particular to distinguish whether children can be detained who are (a) accompanied by parents and (b) unaccompanied.

Similarly, as above.

Q50. Please indicate any challenges associated with the implementation of the return of vulnerable persons in your Member State. In replying to this question please specify for whom the issue identified constitutes a challenge and specify the sources of the information provided (e.g. existing studies/evaluations, information received from competent Authorities or case law)

The implementation of the return of vulnerable individuals is a major challenge for the competent Authorities because of the special treatment required and the availability of specialised staff who will be used in the support of the third-country nationals. Specific expertise is required on the behalf of the institution, with respect for the human rights of the third-country nationals under return.

Q51. Please describe any examples of good practice in your Member State concerning the return of vulnerable persons, identifying as far as possible by whom the practice in question is considered successful, since when has the practice been in place, its relevance and whether its effectiveness has been proved through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, studies by NGOs and International Organisations, etc.)

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Section 7: Voluntary departure

This section of the Synthesis Report will review Member States' practices in implementing EU rules relating to voluntary departure (to the extent that the issue was not covered in other EMN studies/outputs), in particular concerning: the length of the period for voluntary return granted (Article 7(1) of the Returns Directive); the use of the possibility to subject the granting of a period for voluntary departure to an application by the third-country national concerned (Article 7(1) of the Returns Directive); the granting of an extension to the period for voluntary return taking into account the specific circumstances of the individual case (Article 7(3) of the Returns Directive); and the cases where the period for voluntary return is denied (Article 7(4) of the Return Directive).

Please indicate in your answers if any of the measures described in this section were introduced or changed as a result of implementing EU rules, namely the Return Directive or relevant case law

Q52a. [EC Recommendation (17)] In your Member State, is a period of voluntary departure granted:

a) Automatically with the return decision? **Yes/No**

OR

b) Only following an application by the third-country national concerned for a period for voluntary departure? **Yes/No**

Please briefly elaborate on important exceptions to the general rule stated above

The deadline is granted following an assessment by the Authority responsible for issuing the return decision.

Q52b. If Yes to b), how does your Member State inform the third-country nationals concerned of the possibility of submitting such an application? Please specify:

- a) The legal/policy provisions regulating the facilitation of such information;
- b) The actors involved/responsible;
- c) The content of the information provided (e.g. the application procedure, the deadlines for applying, the length of the period for voluntary departure, etc.);
- d) The timing of the information provision (e.g. on being issued a decision ending legal stay/return decision);
- e) The tools of dissemination (in person (written), in person (oral), via post, via email, in a telephone call, in public spaces, etc.);
- f) The language(s) in which the information must be given and any accessibility/quality criteria (visual presentation, style of language to be used, etc.);
- g) Any particular provisions for vulnerable groups (e.g. victims of trafficking, unaccompanied minors, elderly people) and other specific groups (e.g. specific nationalities).

Q53. In your Member State is there a possibility to refrain from granting a period of voluntary departure/grant a period for voluntary departure shorter than seven days in specific circumstances in accordance with Article 7(4) of the Return Directive?¹⁸

- a) **Yes**, to refrain from granting a period of voluntary departure;
- b) **Yes**, to grant a period for voluntary departure shorter than seven days;
- c) **No**.

If Yes, when does your Member State refrain from granting a period of voluntary departure/grant a period for voluntary departure shorter than seven days? Please select all that apply:

- a) When there is a risk of absconding; **Yes/No**
- b) When an application for a legal stay has been dismissed as manifestly unfounded or fraudulent; **Yes/No**
- c) When the person concerned poses a risk to public policy, public security or national security; **Yes/No**
- d) Other (*please specify*)

Q54. [EC Recommendation (18)] In your Member State, how long is the period granted for voluntary departure?

The period granted for voluntary departure ranges from 7 to 30 days. The period is set following an assessment by the Authority responsible for issuing the return decision.

¹⁸ Article 7(4) of the Return Directive reads: 'If there is a risk of absconding, or if an application for a legal stay has been dismissed as manifestly unfounded or fraudulent, or if the person concerned poses a risk to public policy, public security or national security, Member States may refrain from granting a period for voluntary departure, or may grant a period shorter than seven days'.

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Q55. [EC Recommendation (19)] In determining the duration of the period for voluntary departure, does your Member State assess the individual circumstances of the case? **Yes/No**

If Yes, which circumstances are taken into consideration in the decision to determine the duration of the period for voluntary departure? Please indicate all that apply:

- a) The prospects of return; **Yes/No**
- b) The willingness of the irregularly staying third-country national to cooperate with competent Authorities in view of return; **Yes/No**
- c) Other (*please specify*)

Q56. Is it part of your Member State's policy on return to extend the period for voluntary departure where necessary taking into account the specific circumstances of the individual case? **Yes/No**

If Yes, which circumstances are taken into consideration in the decision to extend the period for voluntary departure? Please indicate all that apply:

- a) The length of stay; **Yes/No**
- b) The existence of children attending school; **Yes/No**
- c) The existence of other family and social links; **Yes/No**
- d) Other (*please specify*)

Q57. [EC Recommendation (24)(b)] In your Member State, is there a mechanism in place to verify if a third-country national staying irregularly has effectively left the country during the period for voluntary departure? **Yes/No**

If Yes, please describe:

In the cases where a third-country national has been given a deadline for voluntary departure together with the return decision, he/she is also granted with a Staff Note which, upon leaving the Country, he/she must hand over to the competent Authorities in order to record his/her departure from the Country.

Q58. Please indicate whether your Member State has encountered any of the following challenges associated to the provision of a period for voluntary departure and briefly explain how they affect the ability of the period for voluntary departure to contribute to effective returns.

Table 6: Challenges associated with the period for voluntary departure

Challenges associated with the period for voluntary departure	Yes/No/In some cases	Reasons
Insufficient length of the period for voluntary departure	No	
Absconding during the period for voluntary departure	Yes	
Verification of the departure within the period of voluntary departure	Yes	
Other challenges (please specify and add rows as necessary)		

Q59. Please describe any examples of good practice in your Member State in connection with the period of voluntary departure, identifying as far as possible by whom the practice in question is considered successful, its relevance and whether its effectiveness has been proved through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, studies by NGOs and International Organisations, etc.)

See Q15.

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Section 8: Entry bans

This section of the Synthesis Report will study Member States' practices on the interpretation and implementation of EU rules relating to the conditions to impose an entry ban (as per Article 11 of the Return Directive), including as regards the reasons to refrain from issuing, withdraw or suspend an entry ban (Article 11(3) Return Directive).

Please note that similar information was requested in the EMN 2014 Study on 'Good Practices in the return and reintegration of irregular migrants: Member States' entry bans policy & use of readmission agreements between Member States and third countries'. Please review your Member State contribution to this Study (if completed) and provide only updated information here.

Please indicate in your answers if any of the measures described in this section were introduced or changed as a result of implementing EU rules, namely the Return directive or relevant case law

Q60. In your Member State, which scenario applies to the imposition of entry bans?

- a) Entry bans are automatically imposed in case the return obligation has not been complied with OR no period of voluntary departure has been granted; **Yes/No**
- b) Entry bans are automatically imposed on all return decisions other than under a); **Yes/No**
- c) Entry bans are issued on a case by case basis on all return decisions other than a); **Yes/No**

Q61. What are according to national legislation in your Member State the grounds for imposing entry bans? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table below.

Table 7: Grounds for imposing an entry ban

Grounds for imposing entry bans	Yes/No	Comments
Risk of absconding ¹⁹	Yes	
The third-country national concerned poses a risk to public policy, public security or national security ²⁰	Yes	
The application for legal stay was dismissed as manifestly unfounded or fraudulent ²¹	Yes	
The obligation to return has not been complied with ²²	Yes	
Other (e.g. please indicate and add rows as appropriate)		

Q62a. In your Member State, which is the maximum period of validity of an entry ban?

According to the legislation in force, the maximum duration for imposing the entry ban is 10 years (in cases of criminal offences, reasons of public order and security).

Q62b. Does legislation in your Member State provide for different periods of validity for the entry bans? **Yes/No**

If Yes, what is the most common period of validity?

For the non-compliance with National Law on the entry, residence and work of third-country nationals, the duration of the ban on entry does not exceed 5 years, while in the case of criminal offences (reasons of public policy and security), the duration is scaled from 7 to 10 years, depending on their type and severity.

Q62c. Does national legislation and case law in your Member State establish a link between the grounds on which an entry ban was imposed and the time limit of the prohibition of entry? **Yes/No**

If Yes, please specify (for example, if the third-country national concerned poses a threat to public order or national security a five-year entry ban is imposed; if the third-country national concerned has not complied with the obligation to return a three-year entry ban is imposed, etc.):

According to Article 26 of Law 3907/2011, which incorporated Article 11 of Directive 2008/115/EC on returns or entry bans (on both national basis and in SIS, if the relevant conditions are met), an entry ban is issued when:

- a. a voluntary departure period has not been granted,
- b. the third-country national has not complied with the obligation of return,
- c. his/her presence in Greece constitutes a threat to public order and security, national security or public health.

In these cases, the return decisions are accompanied by a measure of entry ban into the country which does not exceed 5 years. However, if a third-country national poses a serious threat to public order, public security or national security, it is possible that the entry ban in the country could exceed 5 years.

¹⁹ As stipulated in the Return Directive Article 11 (1)(a) in combination with Article 7(4).

²⁰ As stipulated in the Return Directive Article 11 (1)(a) in combination with Article 7(4).

²¹ As stipulated in the Return Directive in Article 11(1)(a) in combination with Article 7(4).

²² As stipulated in the Return Directive Article 11(1)(b).

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Q63. [EC Recommendation (24)(a)] In your Member State, when does an entry ban start applying?

- a) On the day the return decision is issued; **Yes/No**
- b) On the day in which the third-country national leaves the EU; **Yes/No**
- c) Other (please specify)

Q64. [EC Recommendation (24)(c)] Does your Member State enter an alert into the Schengen Information System (SIS) when an entry ban has been imposed on a third-country national? (e.g. see Article 24 (3) of Regulation No 1987/2006 – SIS)? **Yes/No**

Please specify whether;

- a) Alerts are entered into the SIS systematically; **Yes/No**
- b) Alerts are entered into the SIS on a regular basis; **Yes/No**
- c) Alerts are entered into the SIS on a case-by-case basis; **Yes/No**
- d) Other (please specify)

Q65. [EC Recommendation (24)(d)] If a return decision is issued when irregular stay is detected on exit (see Q4c above), does your Member State also issue an entry ban? **Yes/No**

Please briefly elaborate on important exceptions to the general rule stated above

Q66. If a TCN ignores an entry ban, does your Member State qualify that fact as a *misdemeanor* or a *criminal offence*?

- a) Yes, a misdemeanor
- b) Yes, a criminal offence**
- c) No

In the national legal framework, the criminalisation of illegal/irregular entry (not illegal/irregular residence) is provided, however in practice and in principle it is suspended by abstaining from criminal prosecution from the Prosecuting Authorities and irregular migrants are referred to the competent administrative Authorities for return (administrative procedure).

Q67. Has your Member State conducted any evaluations of the effectiveness of entry bans? **Yes/No**

If Yes, please provide any results pertaining to the issues listed in Table 8 below. The full bibliographical references of the evaluations can be included in an Annex to the national report.

Table 8: The effectiveness of entry bans

Aspects of the effectiveness of entry bans	Explored in national evaluations (Yes/No)	Main findings
Contribute to preventing re-entry	No	
Contribute to ensuring compliance with voluntary return²³	No	
Cost-effectiveness of entry bans	No	
Other aspects of effectiveness (please specify)		

²³ i.e. to what extent does the graduated approach (withdrawal or suspension of the entry ban) contribute to encouraging third-country nationals to return voluntarily?

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Q68. Please indicate whether your Member State has encountered any of the following challenges in the implementation of entry bans and briefly explain how they affect the ability of entry bans to contribute to effective returns.

Table 9: Practical challenges for the implementation of entry bans

Challenges associated with entry bans	Yes/No/In some cases	Reasons
Compliance with entry bans on the part of the third-country national concerned	Yes	
Monitoring of the compliance with entry bans	Yes	
Cooperation with other Member States in the implementation of entry bans²⁴	Yes	
Cooperation with the country of origin in the implementation of entry bans	Yes	
Other challenges (please specify and add rows as necessary)		

Q69. Please describe any examples of good practice in your Member State in relation to the implementation of entry bans, identifying as far as possible by whom the practice in question is considered successful, since when it has been in place, its relevance and whether its effectiveness has been proved through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, studies by NGOs and International Organisations, etc.)

²⁴ This could for example relate to problems in the use of the Schengen Information System, and/or the lack of a common system.

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Section 9: Conclusions

This section of the Synthesis Report will draw conclusions as to the impact of EU rules on return – including the Return Directive and related case law from the Court of Justice of the European Union (CJEU) – on Member States' return policies and practices and on the effectiveness of return decisions issued across the EU.

Q70. With regard to the aims of this study, what conclusions would you draw from your findings?

This study focuses on the implementation of returns by Greece according to Directive 2008/115/EC. It is particularly important to capture the overall situation of the management of irregular, entrants or staying, third-country nationals. Greece, during the past years, has received an unprecedented migratory pressure (911.471 arrests in the 12-month period of 2015 and 204.820 arrests in the 12-month period of 2016), which the country was called upon to manage, with respect for human rights, but also in compliance with national and European legislation.

The mechanism of the state adequately coped with the management of the complex organisational and humanitarian problems which pressed for immediate solution due to the staying of such large number of third-country nationals in open hospitality structures, which were located throughout the mainland of Greece, and created a series of difficulties at central and local level, but with the excellent cooperation and joint efforts and contribution of all competent state bodies, international organisations and collaborating Non-Governmental Organisations (NGOs), the situation is manageable.

Taking into account the above, it is concluded that Greece respects the commitments set by the European legislation, with full respect for human dignity and human rights, while laying the foundations for improving weaknesses which may arise at the practical implementation of legislation.

Q71. What overall importance do EU rules have for the effectiveness of return in the national context?

Adherence to a uniform return policy by EU Member States is a key factor in the successful implementation of returns, both at European and national level. Adherence to the rules set by the European Commission is the basis for cooperation between the Member States, at every level of the return process, while enhancing the feeling of security within the European Union. Greece is actively involved in all stages of implementation of returns at European level, in the exchange of views and best practices among Member States, as well as in any action that adds value in addressing the migration phenomenon. It is particularly important for Greece to find alternative practices for the identification of third-country nationals by Consular Authorities, given the lack of cooperation regarding the implementation of forced returns. In this context, every tool provided via the European legislation (e.g. implementation of Standard Operational Procedures for Bangladesh, Task Force Organisation, etc.) is considered.

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ANNEX 1 – SENSITIVE INFORMATION

Please include here any information which is considered sensitive in nature and not intended for public dissemination.