



EUROPEAN MIGRATION NETWORK STUDY 2020

Detention and alternatives to detention in international protection and return procedures

National Report: Greece

Theodoros Fouskas
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Gerassimos Karabelias
Konstantinos Kazanas
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EPLO
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The study was devised by the Working Group of the European Public Law Organization (EPLO).

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Cover: Theodoros Fouskas, personal collection, 2019.

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 support/build policymaking in the European Union and, hence, their national policies in these areas. Subsequently, in 2008, the Council of the EU, 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.

Further information on the EMN and its work on the website:

www.emn.europa.eu

or on the Greek website:

<http://emn.immigration.gov.gr>

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Abbreviations

EMN	European Migration Network
EU	European Union
ECHR	European Convention on Human Rights
JMD	Joint Ministerial Decision
PD	Presidential Decree
LCA	Legislative Content Act
TCN	Third Country National
GG	Government Gazette
CFREU	Charter of Fundamental Rights of the European Union
EASO	European Asylum Support Office
CEAS	Common European Asylum System

EUROPEAN MIGRATION NETWORK STUDY 2020

Detention and Alternatives to detention in international protection and return procedures

National Contribution from Greece

Disclaimer: The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet

The top-line factsheet will serve as an overview of the national reports introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers.

Please provide a concise summary of the main findings of Sections 1-4:

The National Report for Greece was carried out in the context of the 2020:4 study of the European Migration Network (EMN). In the context of migration, detention is considered as a non-punitive administrative measure applied by the state to restrict the movement through the confinement of an individual for another immigration procedure to be implemented.¹ EU legislation regulates in detail the detention of migrants within the context of international protection and return procedures², setting the grounds on which an individual can be deprived of liberty and the relevant principles governing the matter. At both European and International levels, legal sources agree on the fact that detention should be used as a "last resort" and encourages the use of alternatives to detention, as an application of the principles of necessity and proportionality in order to avoid arbitrary deprivation of liberty.³ Although there is no common legal definition of alternatives to detention, they can be defined as non-custodial measures used to monitor and/or limit the movement of third-country nationals during the period needed to resolve migration/asylum status and/or while awaiting removal from the territory.⁴ These measures, having an impact on the person's fundamental rights,⁵ are subject to human rights based on international standards and have to be imposed, on a case-by-case basis, by taking into consideration individual factors. Examples of such alternative measures include the obligation of regular reporting to the authorities, the deposit of an adequate financial guarantee, an obligation to stay at an assigned place, etc.⁶ Alternatives to detention measures mainly aimed at mitigating the risk factors identified by the authorities who considered that the particular individual was liable to detention.⁷ As a general principle, it is essential to clarify that the consideration of alternatives to detention measures is only relevant, legal and enforceable when there are legitimate grounds to detain.

The 2020 EMN study on detention and alternatives to detention measures aims to identify similarities, differences, challenges and best practices concerning the use of detention and alternatives used by Member States and Norway in the framework of international protection and return procedures. It follows the publication in 2014 of the EMN study on "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies" and aims to:

¹ EMN Glossary.

² Council of Europe (2019). Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results. CDDH(2019)R91Addendum5 25/07/2019 Strasbourg: Council of Europe <https://rm.coe.int/practical-guidance-on-alternatives-to-immigration-detention-fostering-/16809687b1>; European Asylum Support Office (EASO) (2019) Detention of applicants for international protection in the context of the Common European Asylum System. Luxembourg: Publications Office of the European Union/European Asylum Support Office. <https://www.easo.europa.eu/sites/default/files/Detention-JA-EN-PDF.pdf>; European Commission (2017). Return Handbook, C(2017) 6505. Brussels: EC https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927_recommendation_on_establishing_a_common_return_handbook_annex_en.pdf; European Union Agency for Fundamental Rights (2013). Detention of third-country nationals in return procedures. Vienna: European Union Agency for Fundamental Rights https://fra.europa.eu/sites/default/files/fra_uploads/1306-FRA-report-detention-december-2010_EN.pdf; European Union Agency for Fundamental Rights (2015). Alternatives to detention for asylum seekers and people in return procedures. Vienna: European Union Agency for Fundamental Rights https://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-alternatives-to-detention-compilation-key-materials-2_en.pdf

³ Articles 6, 52(3) and 53 of the EU Charter. Articles 8 and 11 of the Reception Directive (recast). Recital 16 and Article 8(1) Return Directive.

⁴ EMN Glossary

⁵ These rights include: the right to family life (Article 2 ECHR; Article 9 CFREU; Article 12(2) 1951 Refugee Convention), the right to privacy (Article 8 ECHR), prohibition of torture (Article 3 ECHR) the prohibition on inhuman or degrading treatment (Article 3 ECHR).

⁶ Article 8(4) of the Reception conditions directive (recast)

⁷ Detention of applicants for international protection in the context of the Common European Asylum System, EASO 2019.

Provide a comparative overview of the scale of detention and available alternatives to detention measures in each Member State in the context of international protection and return procedures and challenges Member States face to implement the alternatives to detention measures in practice; Give a comparative overview of the process and criteria used by national authorities to assess whether placing a third-country national in detention or instead applying an alternative to detention measures, in the context of international protection and return procedures; Assess the impact of placing third-country nationals in detention or in alternatives to detention measures on the effectiveness of Member States' international protection and return procedures.

This impact is assessed against three key indicators, namely the extent to which measures: i) ensure compliance with migration procedures (including prompt and fair case resolution, facilitating voluntary and forced returns, reducing absconding); ii) uphold fundamental rights; iii) improve the cost-effectiveness of migration management.⁸

Categories of third-country nationals considered in the study will include international protection applicants and individuals who have been issued a return decision. The study will focus on detention for international protection and return purposes only and will not include in its scope detention of third-country nationals who have committed a criminal offence. The study will give special attention to the possibility of detaining and/or providing alternative measures to detention to vulnerable persons such as minors, families with children, pregnant women and persons with special needs⁹. The study consider legal and practical approaches related to provision of detention and alternative measures to detention available during the reporting period January 2015- December 2020.

Section 1 aims at providing an update about the legal and policy framework on detention and the use of alternatives measures to detention since 2015 and until December 2020. Questions relate to both migration procedures, namely asylum and return procedures. As such, it gives an overview of the main legal and policy changes since 2015 and until December 2020, as well as an overview of the categories of third-country nationals that can be placed in detention in Member States and Norway according to national law and practice. Section 2 explores the availability of different types of alternatives to detention measures for different categories of third-country nationals. It explores the practical organisation of the alternative measures, including information on the authorities/organisations responsible for managing the implementation of the alternative measures; the conditions that must be met by the third-country national to benefit from an alternative to detention measures; and information on the mechanisms in place in order to monitor the third-country national's compliance with these conditions. Section 3 examines the assessment procedures and criteria/benchmarks that are used by Member States and Norway in order to decide whether placing the third country national in detention or to instead use an alternative measure. The section will also explore how authorities decide which alternative to detention is most suitable to an individual case. The section starts from the assumption that the grounds for detention exists and does not specifically analyse how the existence of such grounds are assessed. Section 4 aims at comparing the different impact of detention and alternatives to detention on the effectiveness of international protection and return procedures. The impact of placing third-country nationals in detention or in alternatives to detention on the effectiveness of Member States' international protection and return procedures is assessed against three key indicators, namely the extent to which measures: i) ensure compliance with migration procedures (including prompt and fair case resolution, facilitating voluntary and forced returns, reducing absconding); ii) uphold fundamental rights; iii) improve the cost-effectiveness of migration management.

⁸ Effective Alternatives to the Detention of Migrants, International Conference organised jointly by the Council of Europe, the European Commission and the European Migration Network, 2019. Cost-effectiveness is intended as the financial costs of alternatives to detention as compared with the costs of detention, taking into consideration their outcomes (effects). For instance, reducing the length of time a migrant is detained is a factor that might reduce the costs associated with detention.

⁹ Anagnou, M. (2020). Ungoverned Flows: Refugee/Migration Crisis Management Policies. Athens: Papazisi. (in Greek); Government Gazette (2011). Law 3907/2011 Establishment of an Asylum Service and a First Reception Service, adaptation of the Greek legislation to the provisions of Directive 2008/115/EC "with regard to the common rules and procedures in Member States for the return of illegally staying third-country nationals" and other provisions. (GG 7/A/26.01.2011). Athens: National Printing House <http://www.yptp.gr/images/stories/2011/law%203907.pdf.pdf>; Government Gazette (2019). Law 4636/2019 On International Protection and other provisions (GG A' 169/01.11.2019). Athens: National Printing House <https://migration.gov.gr/wp-content/uploads/2020/06/N6uoc-46362019.pdf> (in Greek); Government Gazette (2020). Law 4686/2020 Improving migration legislation, amending provisions of laws 4639/2019 (A'169), 4375/2016 (A'51), 4251/2014 (A'80) and other provisions (GG 96 A'/15.5.2020). Athens: National Printing House <https://migration.gov.gr/wp-content/uploads/2021/01/4686.2020.pdf> (in Greek); Fouskas, T., Martiniello, M., Koulierakis, G., Economou, C., de Maio, A. and Mine, F. (2020). Annual Report 2019 on Migration and Asylum in Greece: National Report: Part 2 and Statistics Annex. Athens: European Public Law Organization (EPLO)/Hellenic Ministry for Migration and Asylum/European Commission/European Migration Network. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/greece_arm2019_part2_final_en.pdf and https://ec.europa.eu/home-affairs/sites/homeaffairs/files/greece_arm2019_part2_final_el.pdf; Hatzopoulos, V., Fouskas, T., Pechlidi, G., De Maio, A. and Novak, C. (2017). The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards. Athens: European Public Law Organization (EPLO)/Hellenic Ministry for Migration Policy/European Commission/European Migration Network. <http://emn.immigration.gov.gr/en/repository/send/27-2017/56-2rd-focused-study-2017-el-the-effectiveness-of-return-in-eu-member-states> and <http://emn.immigration.gov.gr/el/meletes/send/26-2017/55-2i-meleti-edm-i-epistroti-ton-paranomon-metanaston-os-apotelesmatiki-methodos-antimetopisis-tou-fainomenou-prokliseis-kai-veltises-praktikes-amesa-syndedemenes-me-tous-kanones-tis-ee>; Marouda, M. D., Saranti, V., Koutsouraki, H., Kyrkos, S. (2014). Good Practices in the Return and Reintegration of Irregular Migrants: Member States' Prohibition of Entry Policy and the Use of Readmission Agreements between Member States and Third States. Athens: Ministry of Interior. <http://emn.immigration.gov.gr/el/meletes/send/7-2014/38-12b-greece-emn-national-report-return-reintegration-el> και <http://emn.immigration.gov.gr/en/repository/send/17-2014/14-12a-greece-emn-national-report-detention-alternatives-en>

Section 1: National policy and legal framework: development since 2015¹⁰

This section aims at providing an update about the legal and policy framework on detention and the use of alternatives to detention since 2015 and until December 2020. Questions from 1 to 4 relate to both migration procedures, namely asylum and return procedures. As such, it gives an overview of the main legal and policy changes since 2015 and until December 2020, as well as an overview of the categories of third-country nationals that can be placed in detention in Member States and Norway according to national law and practice.

Q1. Please report any changes on the legal and policy framework on detention concerning both international protection and return procedures since 2015.

Please provide a short description of national provisions, grounds for detention or different typologies of detention, from 2015 onwards and the rationale for any changes introduced. Please elaborate on any type of detention available to specific groups e.g. women or families.

There are no differences regarding the detention for the return procedures, the provisions of Law 3907/2011 and Law 3386/2005 are still in force. Regarding the process of international protection, Law 4636/2019 entered into force (as amended and in force with Law 4686/2020). The new Law provides that a third-country national or stateless person applying for international protection may be detained by way of exception, if necessary, following an individual assessment and provided that alternative measures for specific reasons cannot be applied (see Table 1). The rationale for the changes introduced by the new legislation is set out in Articles 8 and 9, which, inter alia, briefly state that the detention of the applicant for international protection is an important reason for speeding up the asylum application process as well as that the detention of the applicant for international protection is an important reason for speeding up the examination of his appeal under Article 92.

Q2. Please report on any legal and policy changes regarding the use of alternatives to detention concerning both international protection and return procedures since the last EMN study on detention and alternatives to detention (2014).

The alternative measures of detention have not been differentiated and remain the same according to paragraph 3 of article 22 of Law 3907/2011.

¹⁰ The latest EMN study on detention and alternatives to detention was published in 2014, therefore the study will cover the period between 2015-2020. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_detention_alternatives_to_detention_synthesis_report_en.pdf

Q3. Please complete the table below with regard to the categories of third-country nationals that can be detained in your (Member) State. You can refer to the same information reported in the 2014 EMN study on Detention and Alternatives. Please highlight any changes since then.

Note: Children and other vulnerable groups are not included in this table as they are a cross-cutting category; instead, they are dealt with in a separate question (Q5) after the table.

Table 1. Categories of third-country nationals that can be detained

	Categories of third-country nationals	Can third-country nationals under this category be detained? Yes/No	If yes, what is the legal basis for detention? List the ground for detention	Which alternatives to detention are available for this category? List in bullet point the alternatives to detention available for each category. Further details on each measure will be collected in section 2.	What are the (judicial and non-judicial) authorities involved in the decision about placing the person in detention or instead using an alternative to detention?
<i>International Protection</i>	Applicants for international protection in ordinary procedures	Yes	<p>(a) A third-country national or a stateless person applying for international protection may be detained by way of exception, if necessary, following an individual assessment and provided that alternative measures, such as those referred to in paragraph 3 of Article 22 of 3907/2011 (A' 7), cannot be applied. The lack of adequate detention facilities, the difficulties in securing decent living conditions for detainees, and the vulnerability of applicants under paragraph 8 of Article 14 hereof, are taken into account for the imposition or extension of detention. The detention, according to the previous paragraph, is required only for one of the following reasons:</p> <p>(a) for the verification of his/her identity or origin or nationality,</p> <p>(b) in order to identify those elements on which the application for international protection is based, the acquisition of which would otherwise be impossible, especially when there is a risk of absconding of the applicant, as this risk is defined in case g of article 18 of Law 3907/2011, or</p> <p>(c) if it poses a threat to national security or public order, at the reasoned discretion of the competent authority referred to in paragraph 4, or</p>	<p>Competent authorities may impose obligations on third-country nationals in order to avoid the risk of absconding, such as</p> <ul style="list-style-type: none"> • regular reporting before authorities, • the submission of an adequate financial guarantee, • The submission of documents or • the obligation to stay in a particular place. <p>(paragraphs 2 and 3, article 46, L. 4636/2019)</p>	<p>The detention decision is taken by the relevant Police Director and, in particular in the case of the General Police Directorates of Attica and Thessaloniki, by the competent Police Director in charge of aliens' affairs. In cases a', b', c' and e' listed in the second column as reasons for detention, the detention decision is taken by the persons referred to in the previous paragraph after prior notification by the Head of the competent Receiving Authority. (paragraph 4, article 46, L. 4636/2019)</p>

			<p>(d) when there is a significant risk of absconding, within the meaning of case n of Article 2 of Regulation (EU) No 604/2013, in accordance with the criteria of case f of Article 18 of Law 3907/2011, which are applied accordingly, and in order to ensure the implementation of the transfer procedure, in accordance with the above Regulation, or</p> <p>(e) to be decided, in the context of the procedure, the applicant's right to enter the territory.</p> <p>b) A third-country national or stateless person who submits an application for international protection while being detained under the relevant provisions of Laws 3386/2005 (A' 212) and 3907/2011 (A' 7), as in force, remains in detention by way of exception, if this is necessary, after individual assessment and provided that alternative measures can not be applied, such as those referred to in paragraph 3 of article 22 of Law 3907/2011. Detention pursuant to the preceding sentence applies only applies only for one of the following reasons:</p> <p>(a) to establish his identity or origin, or</p> <p>(b) in order to identify those data on which the application for international protection is based, the acquisition of which would otherwise be impossible, especially when there is a risk of absconding of the applicant, as this risk is defined in Article 18 (g) of Law. 3907/2011, or</p> <p>(c) when it is substantiated based on objective criteria, including the fact that the person already had the opportunity to access the asylum procedure, that there are good reasons to consider that the applicant is seeking international protection in order to simply delay or prevent the execution of a return decision, if it is probable the enforcement of that decision may be effected, or</p> <p>(d) if he/she poses a threat to national security or public order, at a reasoned discretion of the competent authority referred to in paragraph 4, or</p>		<p>The foreigner who is detained, in parallel with the Rights he has according to the Code of Administrative Procedure, may also object to the decision of detention or extension of his/her detention before the president or the first instance judge of the administrative court of the first instance, in whose District is held.</p> <p>Objections must have specific grounds and may be submitted orally, in which case the Secretary shall draw up a report to that effect. Concerning their adjudication, the provisions of case c of paragraph 2 of article 27 and paragraph 1 of article 204 of the Code of Administrative Procedure shall apply accordingly. Upon request, the opponent or his/her legal representative must be heard by the judge; this can be ordered, in any case, by the judge.</p> <p>The allegations made in this proceeding must be substantiated. The judge responsible for paragraph 3, who also judges the legality of the detention or its extension, shall issue his decision on the objections without delay, which shall be summarized in the proceedings kept. A copy of this report is immediately handed over to the police authority. (Article 76 par. 4 Law 3386/2005, as amended).</p>
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			(e) when there is a significant risk of absconding, within the meaning of Article 2 (n) of Regulation (EU) No 604/2013, under the criteria of Article 18 (g) of Law 3907/2011, which apply accordingly, and in order to ensure the implementation of the transfer procedure under the above Regulation (paragraphs 2 and 3, article 46, L. 4636/2019, as amended and in force with L. 4686/2020)		
	Applicants for international protection in border procedures	Yes	As above	As above	As above
Return procedures	Irregular migrants detected in the territory	Yes	<p>1. Third-country nationals subject to return procedures shall be detained for the purpose of preparing for the return and carrying out the removal procedure, unless in this case other adequate and less coercive measures, such as those provided for in par. 3 of article 22. The detention measure is applied when:</p> <p>(a) there is a risk of absconding; or</p> <p>(b) the third-country national avoids or obstructs the preparation of the return or the removal procedure; or</p> <p>c) there are national security reasons.</p> <p>The detention is imposed and maintained for the absolutely necessary period of time to complete the removal process, which is evolving and executed with due diligence. In any case, for the imposition or continuation of the detention measure, the availability of suitable detention facilities and the possibility of ensuring decent living conditions for the detainees is taken into account.</p>	The authorities responsible for issuing the return decision may impose obligations on the third-country national throughout the period of voluntary departure, in order to avoid the risk of absconding, such as the regular reporting before the authorities, the lodging of an adequate financial guarantee, the submission of documents or the obligation to stay in a particular place. The amount and the procedure for submitting a financial guarantee are determined by a joint decision of the Ministers of Finance and Citizen Protection. (paragraph 3, article 22, Law 3907/2011)	The detention decision is issued by the Hellenic Police, it contains factual and legal justification, is issued in writing, in accordance with the provisions of paragraph 2 of article 76 of Law 3386/2005 (that is to say, ordered by a decision of the relevant Police and, in the case of the General Police Directorates of Attica and Thessaloniki, by the Police Director or Senior Officer in charge of foreigners affairs, appointed by the relevant General Police Director, after the foreigner has been given at least 48 hours to submit his objections) and if no return decision has been issued, it is issued within three (3) days. The third-country national is immediately dismissed if it is found that his/her detention is not legal. (paragraph 2, article 30, Law 3907/2011)

			<p>3. In any case, the assistance of the conditions of detention shall be re-examined ex officio, every three months, by the body that issued the detention decision. In case of extension of the detention period, the relevant decisions are forwarded to the president or the first instance judge of the administrative court of first instance of par. 2, who decides on the legality of the extension of the detention and immediately issues his decision, which he summarizes in a record, which he immediately transmits to the competent police authority.</p> <p>4. When it becomes apparent that there is no longer a reasonable prospect of removal for legal or other reasons or when the conditions of paragraph 1 cease to apply, the detention shall be revoked and the third-country national shall be dismissed immediately.</p> <p>5. The detention shall continue for the period that the conditions of paragraph 1 are met and is necessary to ensure the successful removal. The maximum detention limit cannot exceed six months.</p> <p>6. The time limit referred to in paragraph 5 may be extended only for a limited period not exceeding twelve months, in cases where, despite reasonable efforts by the competent services, the removal operation is likely to take longer because: (a) the third-country national refuses to cooperate or b) delays in obtaining the necessary documents from third countries. (article 30, L. 3907/2011)</p>		<p>Objections must have specific grounds and may be submitted orally, in which case the Secretary shall draw up a report to that effect. Concerning their adjudication, the provisions of case c of paragraph 2 of article 27 and paragraph 1 of article 204 of the Code of Administrative Procedure shall apply accordingly. Upon request, the opponent or his/her legal representative must be heard by the judge; this can be ordered, in any case, by the judge.</p> <p>The allegations made in this proceeding must be substantiated. The judge responsible for paragraph 3, who also judges the legality of the detention or its extension, shall issue his decision on the objections without delay, which shall be summarized in the proceedings kept. A copy of this report is immediately handed over to the police authority. (Article 76 par. 4 Law 3386/2005, as amended).</p> <p>The foreigner is entitled to appeal against the deportation decision within five days from its notification to the Minister of Public Order or to the body authorized by him/her. The relevant decision is issued within three working days from the filing of the appeal. An appeal entails the suspension of the execution of the decision. If detention has been ordered by the deportation decision, the suspension shall apply only to deportation. (Article 77 Law 3386/2005)</p>
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Detention and alternatives to detention in international protection and return procedures

Persons who have been issued a return decision	Yes	As above	As above	As above
Irregular migrants detected at the border	Yes	As above	As above	As above

Detention and alternatives to detention in international protection and return procedures

Q4. Is it possible, within the national legal framework of your (Member) State, to detain (or to impose an alternative to detention to) persons belonging to vulnerable groups, including minors, families with children, pregnant women or persons with special needs? Please indicate whether persons belonging to these vulnerable groups are exempt from detention, or whether they can be detained in certain circumstances.

Yes / No

If yes, under which conditions can vulnerable persons be detained?

	International protection procedures Please indicate if the persons belonging to these vulnerable groups can be detained and under which circumstances. Please also indicate whether alternatives to detention are provided	Return procedures Please indicate here if the persons belonging to these vulnerable groups can be detained and under which circumstances. Please also indicate whether alternatives to detention are provided
Unaccompanied Minors	<p>Minors are detained only as a last resort, always in their best interests, and if it is proven that alternative and less restrictive measures cannot be applied. The detention is as short as possible, and every effort is made to remove the detention and make the referral to accommodation centers suitable for minors and never to penitentiaries. In any case, the period until the completion of the procedure of minors' referral to accommodation centers, cannot exceed twenty-five (25) days. If, due to exceptional circumstances, such as the significant increase in the number of minors entering the Greek Territory, despite the reasonable efforts of the competent authorities, the safe referral of minors has not been possible within the above period of twenty-five (25) days, the detention can be extended for a period of twenty (20) days. Unaccompanied minors are detained only in exceptional circumstances under the terms of the preceding paragraphs and are never held in penitentiaries. Minors are held separately from adults. Minors should be able to engage in leisure activities, including games and age-appropriate educational and recreational activities.</p> <p>(paragraph 2, article 48, Law 4636/2019, as amended and in force by Law 4686/2020)</p>	<p>Unaccompanied minors and families with minors shall only be detained as a measure of last resort, only if other sufficient but less coercive measures may not apply, and for the shortest appropriate period of time.</p> <p>(paragraph 1, article 32, L. 3907/2011)</p> <p>With regard to the management of unaccompanied minors, by reason of competence, the following are made known:</p> <p>The issue of protective custody of unaccompanied migrant minors, who were entirely temporarily in structures of the Hellenic Police in the execution of relevant prosecutorial orders (to avoid risks of exploitation by trafficking networks, etc.), was a significant issue, according to current legislation, until they are transferred, with the care of the National Center for Social Solidarity (EKKA), to appropriate open accommodation structures, solely guided by the best interests of the children.</p> <p>It is pointed out that the detention facilities of the Hellenic Police operate as short detention facilities and in many cases, do not meet the conditions for the stay of unaccompanied minors in these facilities. For this reason, requests are immediately submitted by the Hellenic Police Services to the competent Institutions of the state, so that there is a rapid transfer of minors to appropriate accommodation structures. However, due to the inability of the competent bodies to directly manage the minors, it becomes necessary for them to stay in the Hellenic Police Services for long periods of time, with the result that the Hellenic Police is being exposed to Bodies and Organizations, which find unfavorable conditions for the accommodation of minors, findings with which the Hellenic Police fully agrees, but these Bodies and Organizations are content only with findings, without any specific and complete proposals, about the places where these minors should be located, a practice for which Greece has accepted harsh criticism and has been repeatedly checked by institutions such as the Council of Europe (CoE) and the European Court of Human Rights (ECHR).</p> <p>As a result of the above, any recommendations - remarks were practically inapplicable and the Hellenic Police was constantly accountable for any observed irregularities of other Bodies and Organizations.</p> <p>At the present time, following the actions of the competent Ministries and Bodies for a holistic management, the number of unaccompanied minors who are under protective custody in all structures of the Hellenic Police has been significantly reduced.</p> <p>In particular, with the creation of additional accommodation structures, following the actions of the Special Secretariat of Unaccompanied Minors, which was a constant request of the Hellenic Police Headquarters, the number of unaccompanied minors in the Services of the General Police Directorate of Thessaloniki was (64) on 28-04-2020, in (74) at the end of June, in (61) at the end of September, in (41) minors at the end of October, while in the last period (on 04-12-2020) to just (2) minors.</p> <p>To this end, the Hellenic Police Headquarters recently informed all police Services that according to the existing provisions of Law 4686/2020, the responsibilities of managing the "Accommodation Requests of Unaccompanied Minors", as well as the organization and maintenance of the "Registry of Accommodation Centers for Unaccompanied Minors", are now under the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum.</p>

		<p>Towards this direction, in the immediate future, a legislation is expected to be adopted that will prohibit the stay of unaccompanied minors under police detention centers, but will also introduce the mechanism of detection and referral developed by the Special Secretariat for the Protection of Unaccompanied Minors in cooperation with United Nations High Commissioner for Refugees (UNHCR) to ensure comprehensive, effective and timely protection of unaccompanied minors.</p> <p>The Hellenic Police Headquarters, as well as the relevant Police Directorates are in constant contact with the Ministry of Migration and Asylum, the Special Secretariat of Unaccompanied Minors and the competent Ministries and Institutions, closely monitoring the serious issue of the treatment of minors, which is an object of special concern for the Hellenic Police Services and in the context of the social role and the mission they perform, is treated with sensitivity and attention, in order to provide the required degree of protection to this sensitive age group.</p> <p>With article 44 of Law 4760/2020 Article 60 par. 3 of Law 4636/2019 amended, which refers to issues of unaccompanied minors and separated minors, in the part that concerns the responsibilities of the Special Secretariat for the Protection of Unaccompanied Minors¹¹ of the Ministry of Migration and Asylum, as the competent authority for their protection which is also responsible for the management of emergency accommodation requests for unaccompanied minors - identified by the Police authorities, any other authority, service or civil society organization or third parties - that are deprived of a secure or known residence.</p>
Disabled people	<p>Health, including mental health of applicants in detention who are vulnerable is a primary concern of the competent authorities. In cases of detention, the competent authorities shall ensure regular monitoring and adequate support taking into account their particular situation, including their health.</p> <p>(paragraph 1, article 48, L. 4636/2019, as amended and in force by L.4686/2020)</p>	<p>Emergency health care and essential treatment of illness shall be provided to third-country nationals in detention. Particular attention shall be paid to the situation of vulnerable persons.</p> <p>(paragraph 3, article 31, Law 3907/2011)</p>
Elderly people	<p>Health, including mental health of applicants in detention who are vulnerable is a primary concern of the competent authorities. In cases of detention, the competent authorities shall ensure regular monitoring and adequate support taking into account their particular situation, including their health.</p> <p>(paragraph 1, article 48, L. 4636/2019, as amended and in force by L.4686/2020)</p>	<p>Emergency health care and essential treatment of illness shall be provided to third-country nationals in detention. Particular attention shall be paid to the situation of vulnerable persons.</p> <p>(paragraph 3, article 31, Law 3907/2011)</p>
Families with children and single parents with minor	<p>Detained families are provided with separate accommodation with the consent of all their adult members, under conditions that ensure the protection of private and family life. In duly justified cases and for a reasonable period of time, which must be as short as possible, the competent authorities may derogate from the preceding subparagraph.</p> <p>(paragraph 3, article 48, L. 4636/2019, as amended and in force with L.4686/2020)</p>	<p>Families detained pending removal shall be provided with separate accommodation guaranteeing adequate privacy.</p> <p>(paragraph 2, article 32, Law 3907/2011)</p>

¹¹ The Special Secretariat for the Protection of Unaccompanied Minors was established by par. 3 of article 1 of the PD. 18/2020, operates under Articles 35 and 42 of Law 4622/2019 and reports directly to the Minister of Migration and Asylum. <https://migration.gov.gr/en/grammateies/eidiki-grammateia-prostasias-asynodeyton-anilikon/#:~:text=The%20Special%20Secretariat%20is%20the,to%20unaccompanied%20minors%20in%20Greece.&text=It%20also%20participates%20in%20accommodation,Special%20Secretary%20since%20February%202020.>

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<p>Persons with serious illnesses and persons with mental disorders</p>	<p>Health, including mental health of applicants in detention who are vulnerable is a primary concern of the competent authorities. In cases of detention, the competent authorities shall ensure regular monitoring and adequate support taking into account their particular situation, including their health. (paragraph 1, article 48, L. 4636/2019, as amended and in force by L..4686/2020)</p>	<p>Emergency health care and essential treatment of illness shall be provided to third-country nationals in detention. Particular attention shall be paid to the situation of vulnerable persons. (paragraph 3, article 31, Law 3907/2011)</p>
<p>Victims of human trafficking</p>	<p>The special situation of vulnerable persons is taken into account, such as minors, unaccompanied or not, direct relatives of shipwreck victims (parents and siblings), people with disabilities, the elderly, pregnant women, single-parent families with minor children, victims of human trafficking, people with serious illnesses, people with mental and emotional disabilities and people who have suffered torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of genital mutilation. The determination of the special situation of the above persons is made after an individual evaluation of each case. The best interests of the child are a primary concern in the application of the provisions relating to minors. paragraph 3, article 20 of Law 4636/2019).</p>	<p>Emergency health care and essential treatment of illness shall be provided to third-country nationals in detention. Particular attention shall be paid to the situation of vulnerable persons. (paragraph 3, article 31, Law 3907/2011)</p>
<p>Pregnant women</p>	<p>The competent authorities shall ensure that women are not detained during pregnancy and for three (3) months after giving birth, and that they be transported and accommodated in appropriate accommodation facilities. (paragraph 4, article 48, L. 4636/2019, as amended and in force by L..4686/2020)</p>	<p>Throughout the period of third-country national’s voluntary return, as provided according to article 22 and within the period that the return is postponed, according to the article 24, the relevant competent authorities shall mind for taking the respective measures in order to: a) safeguard the thirdcountry national’s family integrity within his/her family members established in Greece, b) safeguard minors’ access to compulsory education, accordingly to their term of stay, according to article 72, Law 3386/2005, c) provide emergency health care and essential treatment of illness, according to article 84, par. 1, Law 3386/2005 and d) take into consideration all special needs of vulnerable persons. Detained third-country nationals’ status shall be regulated by the special provisions of articles 31 and 32. (paragraph 1, article 29, Law 3907/2011) Emergency health care and essential treatment of illness shall be provided to third-country nationals in detention. Particular attention shall be paid to the situation of vulnerable persons. (paragraph 3, article 31, Law 3907/2011)</p>
<p>Other vulnerable persons</p>	<p>N/A</p>	<p>N/A</p>

Section 2: Availability and practical organisation of alternatives to detention

This section explores the availability of different types of alternatives to detention for different categories of third-country nationals. For each, it explores the practical organisation of the alternative, including information on the authorities/organisations responsible for managing the implementation of the alternatives; the conditions that must be met by the third-country national to benefit from an alternative to detention; and information on the mechanisms in place in order to monitor the third-country national's compliance with these conditions.

EMN NCPs are further requested to provide information on the challenges associated with the implementation of the alternatives, and any examples of good practice in their (Member) State that they may wish to share.

Q5. 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 2.1. Available alternatives to detention for third-country nationals

	Alternatives to detention	Yes/No
A1	Reporting obligations (e.g. reporting to the police or immigration authorities at regular intervals) Please provide information on how often and to which authority persons subject to this measure should report	Yes. Regular reporting before authorities throughout the period of voluntary departure. It is required, there is a relevant monitoring mechanism by the Hellenic Police. In case the implemented measures are not observed by the foreigner, detention decisions are issued and in case they are arrested they are taken to Pre-Departure Detention Centers for the completion of the return procedures to their country of origin.
A2	Obligation to surrender a passport, travel document or identity document	Yes. Submission of documents throughout the period of voluntary departure.
A3	Requirement to communicate the address to authorities (including requesting permission for absences/changing the address)	Yes. Stay at a certain place (without limiting freedom) throughout the period of voluntary departure.
A4	Requirement to reside at a designated place (e.g. a facility or specific region). Please specify if you also consider house arrest as an ATD.	Yes. Requirements to undergo therapeutic treatment or treatment for addiction. It is required, there is a relevant monitoring mechanism by the Hellenic Police. In case the implemented measures are not observed by the foreigner, detention decisions are issued and in case they are arrested they are taken to Pre-Departure Detention Centers for the completion of the return procedures to their country of origin.
A5	Release on bail (with or without sureties) Please provide information on how the amount is determined; whether this can be paid by a third person/entity (e.g. family member, NGO or community group); and at what point the money is returned.	Deposit of the appropriate financial guarantee.
A6	Electronic monitoring (e.g. tagging).	N/A
A7	Release to a guardian/guarantor Please provide information on who could be appointed as a guarantor/guardian (e.g. family member, NGO or community group).	N/A
A8	Release to care worker or under a care plan.	N/A
A9	Community management programme (i.e. programmes where individuals live independently in the community and are attached to a case manager) or Case management- based programme (where participants are provided with individualised tailored support).	N/A
A10	Requirements to undergo therapeutic treatment or treatment for addiction.	N/A
A11	Other alternative measure available in your (Member) State. Please specify.	N/A

Q5.1 Amongst the alternatives above indicated, please could you indicate which ones (amongst those defined by law) are the most used and why? Please indicate as relevant the specific time frame.

In practice, at this stage, the alternative measures of regular reporting before the authorities and/or the obligation to stay in a certain place without restriction of freedom, or the obligation to stay in a certain place with a relative restriction of freedom (accommodation in semi-enclosed Accommodation Facilities) are imposed, mainly in the islands of the eastern Aegean) while considering the implementation of other alternatives of detention measures, aimed at lower human costs (avoidance of difficulties related to detention).

Q5.2. Please briefly describe each of the alternatives indicated above. Copy paste the table below as many times as necessary

Table 2.2. Description of available alternatives to detention for third-country nationals

Name of alternatives (as reported in table 2 above)	Regular reporting to the authorities	Submission of documents	Stay at a certain place (without limiting freedom)	Deposit of an adequate financial guarantee
In what it consists, and maximum duration	Regular reporting before authorities throughout the period of voluntary departure.	Submission of documents throughout the period of voluntary departure.	Stay at a certain place (without limiting freedom) throughout the period of voluntary departure.	Deposit of an adequate financial guarantee
Legal basis (law, soft law, other guidance). Please provide reference to the original sources	Law 3907/2011 and Law 4636/2019	Law 3907/2011	Law 3907/2011	Law 3907/2011
Is it used in practice? Please provide any available data for the period 2015-2020	Yes	No	Yes	No
National authorities responsible to administer the alternative	Hellenic Police/ Judicial authorities	Hellenic Police/ Judicial authorities	Hellenic Police/ Judicial authorities	Hellenic Police/ Judicial authorities
Any partner involved (i.e. NGO, social services, private entities, other governmental actors, etc.)	N/A	N/A	N/A	N/A
Obligations attached to the granting of the alternative (if relevant)	Yes	Yes	Yes	Yes
Consequences of non-compliance with the alternative (i.e. does non-compliance with an ATD automatically leads to detention, or is this determined on a case-by-case basis?)	In case the implemented measures are not observed by the foreigner, detention decisions are issued and in case they are arrested they are taken to Pre-Departure Detention Centers for the completion of the return procedures to their country of origin.	In case the implemented measures are not observed by the foreigner, detention decisions are issued and in case they are arrested they are taken to Pre-Departure Detention Centers for the completion of the return procedures to their country of origin.	In case the implemented measures are not observed by the foreigner, detention decisions are issued and in case they are arrested they are taken to Pre-Departure Detention Centers for the completion of the return procedures to their country of origin	In case the implemented measures are not observed by the foreigner, detention decisions are issued and in case they are arrested they are taken to Pre-Departure Detention Centers for the completion of the return procedures to their country of origin.
Mechanisms in place in order to monitor the third-country national's compliance with these conditions (if relevant)	Yes, it is required, there is a relevant monitoring mechanism by the Hellenic Police.	No. There is no relevant mechanism.	No. There is no relevant mechanism. Measures are mainly taken for the stay within the territorial boundaries of the islands of the eastern Aegean and to prevent their departure from them, in the context of the implementation of the EU-Turkey Joint Statement.	No. There is no relevant mechanism.

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Mechanisms in place in order to monitor the conditions of the alternative and the treatment of third-country nationals.	Yes	Yes	Yes	Yes
Was an evaluation conducted (at the national level) to assess the effectiveness of this alternatives to detention? Provide any available online sources/references/available information. Please specify how "effectiveness" was defined/which aspects were assessed	N/A	N/A	N/A	N/A

Q6. Please identify any practical challenges associated with the implementation of each alternative to detention available in your (Member) State, based on existing studies or evaluations or information received from competent authorities, specifically in relation to (add more column as needed). Please elaborate your answer by providing a short description. Please cover here the same alternatives reported in Q8.

Challenge	Alternative 1 (regular reporting before the authorities)	Alternative 2 (obligation to stay in a certain place)	Alternative 3(Name)	Alternative 4(Name)
Availability of facilities related to accommodation (i.e. beds)	N/A	The organized Structures of Reception in which foreigners are assigned to reside and are under the Ministry of Migration and Asylum.	N/A	N/A
Availability of staffing and supervision	The supervisory mechanism for the implementation of the measure is manned by the staff of the Pre-Departure Detention Centers, who in this way are burdened with additional tasks, increasing the administrative burden.	N/A	N/A	N/A
Administrative costs	N/A	N/A	N/A	N/A
Mechanisms to control movements of the person	There is no established mechanism for controlling the movements, the locally competent Services of the Hellenic Police, where foreigners are designated to report their presence, they must report non-compliance.	N/A	N/A	N/A
Legislative obstacles	N/A	N/A	N/A	N/A
Other challenges	N/A	N/A	N/A	N/A

Q7. Please identify any practical advantage associated with the implementation of each alternative to detention available in your (Member) State in comparison with detention, based on existing studies or evaluations or information received from competent authorities specifically in relation to (add more column as needed). Please elaborate your answer by providing a short description. Please cover here the same alternatives reported in Q7:

Advantage	Alternative 1 (regular reporting before the authorities)	Alternative 2 (obligation to stay in a certain place)	Alternative 3 (Όνομα)	Alternative 4 (Όνομα)
Availability of facilities related to accommodation (i.e. beds)	No specific facilities are required to implement this measure.	N/A	N/A	N/A
Availability of staffing and supervision	N/A	N/A	N/A	N/A
Administrative costs	No cost required.	N/A	N/A	N/A
Mechanisms to control movements of the person	N/A	N/A	N/A	N/A
Legislative obstacles	The National Legislation provides for the implementation of this measure.	The National Legislation provides for the implementation of this measure.	N/A	N/A
Other advantages	N/A	N/A	N/A	N/A

Section 3: Assessment procedures and criteria used for the placement of third-country nationals in detention or alternatives to detention

This section examines the assessment procedures and criteria/benchmarks that are used by Member States and Norway in order to decide whether placing the third country national in detention or to instead use an alternative. The section will also explore how authorities decide which alternative to detention is most suitable to an individual case.

The section starts from the assumption that the grounds for detention exists and does not specifically analyse how the existence of such grounds are assessed.

The section begins with an overview of the steps taken to decide to use an alternative instead of placing the individual in detention. Questions then explore the timing of this assessment, whether an individual assessment is conducted, which authorities are involved in the assessment procedure and which criteria are used to determine whether to use detention or an alternative.

The session will assess how vulnerability factors are assessed when taking a decision for detention and when making an assessment to opt for detention or an alternative.

Q8. Please provide an overview of when and how the decision about placing a person in an alternative instead of in detention is made. Please respond considering the following elements

- i. Is the assessment between detention or alternatives to detention made at the same time as when the grounds for detention are considered or at a different time?
- ii. In what circumstances are the grounds for detention rejected in favour of an alternative to detention?
- iii. Does the procedure vary depending on the categories of third country nationals or their country of origin (e.g. because of the specific situation in the country)?
- iv. Which authorities are involved in the procedure, please specify the respective role (i.e. consultative, decision maker)?

International protection procedure

i. A third-country national or stateless person applying for international protection may be detained as an exception, if necessary, following an individual assessment and provided that alternative measures, such as those referred to in paragraph 3 of Article 22 of Law . 3907/2011 (A' 7), cannot be applied. The availability of suitable detention facilities and the ability to guarantee decent living conditions for detainees shall be taken into consideration when imposing or pursuing the measure of detention. In any case, the detention decision is taken by the persons referred to in subsection a of paragraph 4 of Article 46, Law 4636/2019, after an individual evaluation which contains a complete and detailed reasoning. Detention of applicants for international protection is required only for the absolutely necessary period of time. Delays in administrative procedures that cannot be attributed to the applicant do not justify continued detention.

ii. The detention according to the previous paragraph is imposed only for one of the following reasons:

(a) to establish his/her identity or origin or nationality;

(b) in order to identify those elements on which the application for international protection is based, the acquisition of which would otherwise be impossible, in particular where there is a risk of the applicant's absconding, as defined in case g of Article 18 in Law 3907/2011, or

(c) if it constitutes a danger to national security or public order, in the reasoned judgment of the competent authority of paragraph 4 of Law 4636/2019, or

(d) when there is a significant risk of absconding, within the meaning of case n of Article 2 of Regulation (EU) No 604/2013, in accordance with the criteria of case f of Article 18 of Law 3907/2011, which apply accordingly, and in order to ensure the implementation of the transfer procedure, in accordance with the above Regulation, or

(e) to decide, in the course of a procedure, the applicant's right to enter the territory.

iii. Detention of applicants for international protection is required only for the absolutely necessary period of time. Delays in administrative procedures that cannot be attributed to the applicant do not justify the continuation of the detention. The detention is imposed only for as long as the reasons mentioned in paragraphs 2 and 3, article 46, L. 4636/2019 are valid. The administrative procedures relating to the reasons for detention referred to in paragraphs 2 and 3 shall be carried out without undue delay.

iv. The detention decision is taken by the Hellenic Police and specifically by the relevant Police Director and, in the case of the General Police Directorates of Attica and Thessaloniki, by the Police Director in charge of affairs of foreigners. In cases a), b), c) and e) of paragraphs 2 and 3, article 46, the detention decision is taken by the persons mentioned in the previous paragraph after their prior notification by the Head of the competent Receiving Authority. In any case, the detention decision shall be taken by the persons referred to in subparagraph a of this paragraph following an individual assessment and shall contain a complete and detailed statement of reasons.

Return procedure

i. The detention shall be imposed and maintained for the shortest period possible, as long as removal arrangements are in progress and executed with due diligence. In any case, the availability of suitable detention facilities and the ability to guarantee decent living conditions for detainees shall be taken into consideration when imposing or pursuing the measure of detention.

In any case, detention shall be ex officio reviewed, every three months, by the authority that issued the detention decision. In the case of prolonged detention period, the relevant decision shall be forwarded to the president or the local first instance judge of the competent first instance court appointed by the former, who shall decide on the legality of detention prolongation, and shall immediately issue his judgement, briefly expressed in the respective minutes, a copy of which shall be promptly submitted to the competent police authority.

When it appears that a reasonable prospect of removal no longer exists for legal or other considerations or the conditions laid down in paragraph 1, of article 30 of L. 3907/2011 no longer exist, detention ceases to be justified and the person concerned shall be released immediately.

ii. The third-country nationals who are subject to return procedures, according to par. 1, article 21, shall be detained for their return preparation and enforcement of the removal procedure, unless other sufficient but less coercive measures can be implemented in a specific case, such as those stipulated in par. 3, article 22. The detention measure shall apply when: a) there is risk of absconding or b) when the third-country national concerned avoids or hampers the preparation of return or the removal process or c) grounds of national security occur.

iii. When it appears that a reasonable prospect of removal no longer exists for legal or other considerations or the conditions laid down in paragraph 1, article 30, L. 3907/2011 no longer exist, detention ceases to be justified and the person concerned shall be released immediately.

The competent authority shall assess the attainability of removal, on a case by case, based on specific information claimed by the interested party, taking into consideration all information available related to the established procedure by each third country regarding its cooperation on readmission issues.

f the removal is technically impossible, additional restricting terms shall be imposed by a new decision, as stipulated in article 22, par.3, L. 3907/2011, while in case of recidivism, administrative detention may be imposed, without prejudice to the time limits provided for in article 30.

iv. The detention decision is issued by the Hellenic Police, shall be actually and legally justified, issued in writing, according to the provisions of par.2, article 76, Law 3386/2005 (that is to say, ordered by a decision of the relevant Police Director and, in Attica and Thessaloniki General Police Directorates, by the Police Director or Senior Officer in charge of affairs of foreigners, appointed by the relevant General Police Director, after the foreigner has been given at least 48 hours to submit his/her objections) and if no return decision has been issued, the detention decision shall be issued within three (3) days. The third-country national concerned shall be immediately released if found that his/her detention is illegal.

Other (if indicated on Table I)

N/A

Q9. Is the possibility to provide alternatives to detention systematically considered in your (Member) State when assessing whether to place a person in detention? Please respond separately for international protection and return procedures.

International protection procedures:

Yes / No

Details: In practice, at this stage, the alternative measures of regular reporting before the authorities and/or the obligation to stay in a certain place (without restriction of freedom) are imposed, while the application of other alternatives of detention measures, aimed at less humane costs (avoiding the difficulties associated with detention). Regarding the removal of the detention, according to paragraph 5, of article 46, L. 4636/2019, the detention of the applicants for international protection is imposed for the absolutely necessary period of time. Delays in the administrative procedures that cannot be attributed to the applicant do not justify continued detention. The detention is imposed only for as long as the reasons mentioned in paragraphs 2 and 3 of the same Law are valid. The administrative procedures relating to the reasons for detention referred to in paragraphs 2 and 3 shall be carried out without undue delay.

The national legislation does not separate the evaluation procedure of detention or alternative measures, depending on the categorization of the citizens according to section 1. The evaluation is individualized and in accordance with Law 4636/2019 (as amended and in force with Law 4686/2020): A third-country national or stateless person applying for international protection may be detained as an exception, if necessary, following an individual assessment and provided that alternative measures, such as those referred to in par. 3 of Article 22 of L. 3907/2011 (A' 7) cannot be applied. The lack of suitable detention facilities, the difficulties in securing decent living conditions for detainees, as well as the vulnerability of applicants, are taken into account in enforcing or extending detention. In any case, the detention decision is taken by the persons referred to in subsection a of paragraph 4 of Article 46, Law 4636/2019, after an individual evaluation which contains a complete and detailed reasoning. Detention of applicants for international protection is required only for the absolutely necessary period of time. Delays in administrative procedures that cannot be attributed to the applicant do not justify continued detention.

Return procedures:

Yes / No

Details: The third-country national concerned shall be immediately released if found that his/her detention is illegal. In any case, detention shall be ex officio reviewed, every three months, by the authority that issued the detention decision. In the case of prolonged detention period, the relevant decision shall be forwarded to the president or the local first instance judge of the competent first instance court appointed by the former as mentioned in par. 2, article 30, L. 3907/2011, who shall decide on the legality of detention prolongation, and shall immediately issue his judgement, briefly expressed in the respective minutes, a copy of which shall be promptly submitted to the competent police authority. When it appears that a reasonable prospect of removal no longer exists for legal or other considerations or the conditions laid down in paragraph 1 no longer exist, detention ceases to be justified and the person concerned shall be released immediately.

The national legislation does not separate the evaluation procedure of detention or alternative measures, depending on the categorization of the citizens according to section 1. The detention shall be imposed and maintained for the shortest period possible, as long as removal arrangements are in progress and executed with due diligence. In any case, the availability of suitable detention facilities and the ability to guarantee decent living conditions for detainees shall be taken into consideration when imposing or pursuing the measure of detention. In any case, detention shall be ex officio reviewed, every three months, by the authority that issued the detention decision. In the case of prolonged detention period, the relevant decision shall be forwarded to the president or the local first instance judge of the competent first instance court appointed by the former, as mentioned above in paragraph 2, who shall decide on the legality of detention prolongation, and shall immediately issue his judgement, briefly expressed in the respective minutes, a copy of which shall be promptly submitted to the competent police authority. When it appears that a reasonable prospect of removal no longer exists for legal or other considerations or the conditions laid down in paragraph 1; article 30, L. 3907/2011 no longer exist, detention ceases to be justified and the person concerned shall be released immediately.

Q10. When there are grounds for authorising detention, which considerations or criteria are used to decide whether to place the third-country national concerned in detention or instead provide an alternative?

Criteria	International protection procedures	Return procedures
Suitability of the alternative to the needs of the individual case	Yes, the third country national or stateless person is assessed individually.	Yes, the third country national or stateless person is assessed individually.
Cost-effectiveness	N/A	N/A
Nationality or Country of origin/return (e.g. considerations on the specific situation in the country of origin)	The assessment of the application for international protection includes consideration of relevant information relating to the country of origin at the time of the decision, including the law of that country and how it is to be implemented. Detention, however, is not linked to nationality or country of origin.	The cooperation of the country of origin in readmission matters is taken into account in order to determine whether it is possible to complete the return of the foreigner. According to Law 3907/2011: When it appears that a reasonable prospect of removal no longer exists for legal or other considerations or the conditions laid down in paragraph 1, article 30, L. 3907/2011 no longer exist, detention ceases to be justified and the person concerned shall be released immediately. The competent authority shall assess the attainability of removal, on a case by case, based on specific information claimed by the interested party, taking into consideration all information available related to the established procedure by each third country regarding its cooperation on readmission issues. If the removal is technically impossible, additional restricting terms shall be imposed by a new decision, as stipulated in article 22, par.3, while in case of recidivism, administrative detention may be imposed, without prejudice to the time limits provided for in article 30.
Level of the risk of absconding	Yes, when there is a significant risk of absconding, within the meaning of case n of Article 2 of Regulation (EU) No 604/2013, in accordance with the criteria of case f of Article 18 of Law 3907/2011, which apply accordingly, and in order to ensure the implementation of the transfer procedure, in accordance with the above Regulation.	Yes, if there is a risk of absconding or if an application of the third-country national for permanent residence has been rejected as manifestly unfounded or fraudulent or if the third-country national poses a risk to public security, public order or national security, the relevant competent authorities shall refrain from granting a period for voluntary departure or shall grant a time period for voluntary departure less than seven (7) days (paragraph 4, article 22, Law 3907/2011).
Vulnerability	Yes, health, including the mental health of vulnerable detainees is a primary concern of the competent authorities.	Yes, throughout the period of third-country national's voluntary return, as provided according to article 22 and within the period that the return is postponed, according to the article 24, the relevant competent authorities shall mind for taking the respective measures in order to: a) safeguard the thirdcountry national's family integrity within his/her family members established in Greece, b) safeguard minors' access to compulsory education, accordingly to their term of stay, according to article 72, Law 3386/2005, c) provide emergency health care and essential treatment of illness, according to article 84, par. 1, Law 3386/2005 and d) take into consideration all special needs of vulnerable persons. Detained third-country nationals are provided with emergency health care and any necessary medical treatment. Special care is taken in the cases of vulnerable people.

Criteria	International protection procedures	Return procedures
		<p>Unaccompanied minors and families with minors shall only be detained as a measure of last resort, only if other sufficient but less coercive measures may not apply, and for the shortest appropriate period of time.</p> <p>Families detained pending removal shall be provided with separate accommodation guaranteeing adequate privacy.</p>
Less-invasive legal measures impacting on human rights	<p>Yes, in practice the alternative measures of regular reporting before the authorities and/or the obligation to stay in a certain place (without restriction of liberty) may be imposed, while the application of other alternatives of detention measures, aiming at lower human costs, is being considered. (avoiding the difficulties associated with detention).</p>	<p>Yes, in practice the alternative measures of regular reporting before the authorities and/or the obligation to stay in a certain place (without restriction of liberty) may be imposed, while the application of other alternatives of detention measures, aiming at lower human costs, is being considered. (avoiding the difficulties associated with detention).</p>
Other	N/A	N/A

Q10.1. If vulnerability is one of the criteria used to assess whether placing the person under an alternative instead of detention, please describe how the vulnerability assessment is made (e.g., the responsible authority and the procedures followed). Please respond separately for international protection and return procedures.

- Elements of vulnerability considered (unaccompanied minors, families with children, pregnant women and persons with special needs, victims of violence etc)
- Are vulnerability assessments conducted on a case-by-case basis, or is the assessment based on pre-defined categories/groups?
- Authorities/organisation conducting the assessment?
- Procedures followed.

International protection procedures

- Are vulnerability assessments conducted on a case-by-case basis, or is the assessment based on pre-defined categories/groups?

Health, including the mental health of vulnerable detainees, is a primary concern of the competent authorities.

- Are vulnerability assessments conducted on a case-by-case basis, or is the assessment based on pre-defined categories/groups?

Yes, in each case there is an individual evaluation. However, Law 4636/2011 provides certain guidelines for vulnerable groups, such as: minors shall only be detained as a measure of last resort, always guided by their best interests, and if it turns out that alternative and less coercive measures cannot be applied. The detention is as short as possible and every effort is made to remove the detention and make the referral to accommodation centers suitable for minors and never to penitentiaries. Unaccompanied minors shall only be detained as a measure of last resort under the terms of the preceding paragraphs and are never held in penitentiaries. Minors are held separately from adults. Minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age. Detained families are provided with separate accommodation with the consent of all their adult members, under conditions that ensure the protection of privacy and family life. Detained women are accommodated separately from men, unless the latter are members of their family and subject to the consent of all concerned. The competent authorities shall ensure that women are not detained during pregnancy and for three (3) months after giving birth, and that they are transported and accommodated in appropriate accommodation facilities.

- Are authorities/organisation conducting the assessment?

The competent Receiving Authority is responsible either for proposing the imposition of the detention measure or for the imposition of alternative measures (paragraph 4, article 46, Law 4636/2019).

- Procedures followed.

N/A

Return procedures

- Are vulnerability assessments conducted on a case-by-case basis, or is the assessment based on pre-defined categories/groups?

The police authorities which are competent for the enforcement of the decision, may, upon a justifiable decision, postpone the return, for an appropriate period of time, taking into account the specific circumstances of the individual case, and in particular: a) the third country national's physical state or mental capacity and b) technical reasons, such as lack of transport capacity or failure of the removal due to objective lack of identification. If a removal is postponed as provided for above, the aforementioned authorities may impose to the third-country national the obligations set out in article 22, par.3, i.e. alternative measures to detention. Throughout the period of third-country national's voluntary return, as provided according to article 22 and within the period that the return is postponed, according to the article 24, the relevant competent authorities shall mind for taking the respective measures in order to: a) safeguard the thirdcountry national's family integrity within his/her family members established in Greece, b) safeguard minors' access to compulsory education, accordingly to their term of stay, according to article 72, Law 3386/2005, c) provide emergency health care and essential treatment of illness, according to article 84, par. 1, Law 3386/2005 and d) take into consideration all special needs of vulnerable persons. Unaccompanied minors and families with minors shall only be detained as a measure of last resort, only if other sufficient but less coercive measures may not apply, and for the shortest appropriate period of time. The best interests of the child shall be a primary consideration in the context of the detention of minors pending removal.

- Are vulnerability assessments conducted on a case-by-case basis, or is the assessment based on pre-defined categories/groups?

The return decision issued is individual. The Police Authorities which are competent for the enforcement of the decision, may, upon a justifiable decision, postpone the return, for an appropriate period of time, taking into account the specific circumstances of the individual case, and in particular: a) the third country national's physical state or mental capacity and b) technical reasons, such as lack of transport capacity or failure of the removal due to objective lack of identification. If a removal is postponed as provided for above, the aforementioned authorities may impose to the third-country national the obligations set out in article 22, par.3.

- Are authorities/organisation conducting the assessment?

The Police Authorities are responsible for the execution of the return decision.

- Procedures followed.

N/A.

Q11. Which legal remedies are available to the third-country national against a decision to opt for detention/instead of an alternative to detention? Please describe. Please respond separately for international protection and return procedures.

International protection procedures:

The detained applicants have the rights of appeal and submission of objections, provided in paragraphs 3 and following of article 76 of Law 3386/2005, as it applies both against the initial decision of detention and against the decision of this extension. Detained applicants for international protection, in case of dispute over the detention decision and the decision to extend it, are entitled to free legal aid, in accordance with the procedure provided for in the provisions of Law 3226/2004 (A 24), which apply accordingly (paragraphs 6 and 7, article 46, Law 4636/2019). The same remedies are provided for third-country nationals whether they are detained or have alternative measures.

Return procedures:

The detained third-country national, in parallel to his rights provided by the Greek Administrative Procedure Code, may object against the detention decision or detention extension before the president or the local first instance judge of the competent administrative first instance court, appointed by the former, in which he/she is being detained. In relation to the objection application, all provisions of paragraphs 4 and 5, article 76, Law 3386/2005 (G.G. 212 A') shall apply, as replaced by article 55, Law 3900/2010 (G.G. 2113 A'). The decision on the objection application may be revoked, upon the interested party's request, in the event that the revocation application is based on new evidence, according to article 205, par.5, Greek Administrative Procedure Code. The third-country national shall be immediately informed on his/her rights hereunder. The third-country national concerned shall be immediately released if found that his/her detention is illegal. The same remedies are provided for third-country nationals whether they are detained or have alternative measures.

Q12. What support (legal, social, psychological) is available for migrants during the period when a decision is made about placing the individual in detention or to use an alternative to detention?International protection procedures:

The competent authorities shall ensure: (a) the provision of adequate medical care to applicants during detention, (b) the access of applicants to outdoor facilities on the premises and (c) the safeguarding of applicants' rights to legal representation.

Applicants have the right to consult at their own expense, a lawyer or other consultant on matters relating to their application. Unless otherwise provided by specific provisions for specific acts, the authorization to an attorney to represent the applicants before the authorities of this Part or the authority to a counsel or other persons, must be up to date and provided by a private document, where the certification of the authenticity of the applicant's signature is required, which can also be done by presenting the asylum seeker card by any public authority. The authorization document shall be submitted in original to the competent authorities.

Applicants are provided, in the context of the procedures under Chapter C of Law 4636/2019, with free legal and procedural information relevant to their case. In addition to providing the information referred to in the preceding subparagraph, in the event of a decision not granting refugee status in the first instance, applicants shall be provided upon request with specific information on the rationale for the decision and the possibility of appealing against it. The information and update of the previous paragraphs may be provided by certified organizations.

The applicants are provided, upon their request, free legal assistance in the proceedings before the Appeals Authority with the terms and conditions of the Ministerial Decision of paragraph 8 of article 7 of Law 4375/2016. In case of an appeal before a court, the applicants may receive free legal aid, under the terms and conditions of the provisions of Law 3226/2004 (A 24), which apply accordingly. Free legal aid and assistance are provided to applicants who are proven to be in the country.

Victims of torture, rape or other serious acts of violence are certified with a medical certificate by a public hospital, military hospital or properly trained public health service providers, including medical examiners, and receive the necessary care for access to the injury caused, and particularly, access to appropriate medical and psychological treatment or care.

Return procedures:

Before deciding to issue a return decision in respect of an accompanied minor, assistance shall be provided by appropriate bodies other than the authorities enforcing return, as stipulated in the provisions of article 19, Presidential Decree 220/2007 (GG 251 A), which apply accordingly, with due consideration given to the best interests of the child. (article 25, L. 3907/2011)

The authorities which are competent for foreigners' issues shall provide information and any possible assistance to third-country nationals who request legal consulting, legal representation and linguistic assistance, in order to exercise his/her rights expressed herein. (article 28, L. 3907/2011)

Throughout the period of third-country national's voluntary return, as provided according to article 22 and within the period that the return is postponed, according to the article 24, the relevant competent authorities shall mind for taking the respective measures in order to: a) safeguard the thirdcountry national's family integrity within his/her family members established in Greece, b) safeguard minors' access to compulsory education, accordingly to their term of stay, according to article 72, Law 3386/2005, c) provide emergency health care and essential treatment of illness, according to article 84, par. 1, Law 3386/2005 and d) take into consideration all special needs of vulnerable persons. (article 29, L. 3907/2011)

Third-country nationals in detention shall be allowed - on request - to establish in due time contact with their legal representatives, family members and competent consular authorities. Emergency health care and essential treatment of illness shall be provided to third-country nationals in detention. Particular attention shall be paid to the situation of vulnerable persons. Relevant and competent national, international and non governmental organisations and bodies shall have the possibility to visit detention facilities, as referred to in paragraph 1, to the extent that they are being used for detaining third-country nationals in accordance with this Chapter. Such visits shall be subject to authorisation by the police authority which is competent for guarding the respective detention facility. Third-country nationals kept in detention shall be systematically provided with information which explains the rules applied in the facility and sets out their rights and obligations. Such information shall include their entitlement to contact the organisations and bodies referred to in paragraph 4. (article 31, L. 3907/2011)

Minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and shall have, depending on the length of their stay, access to education, according to the article 72, Law 3386/2005. Unaccompanied minors shall as far as possible be provided with accommodation in institutions recruited and equipped with personnel and facilities which take into account the needs of persons of their age. (article 32, L. 3907/2011)

Section 4: Impact of detention and alternatives to detention on the effectiveness of return and international protection procedures

This section aims at comparing the different impact of detention and alternatives to detention on the effectiveness of international protection and return procedures.

The impact of placing third-country nationals in detention or in alternatives to detention on the effectiveness of Member States' international protection and return procedures is assessed against three key indicators, namely the extent to which measures: i) ensure compliance with migration procedures (including prompt and fair case resolution, facilitating voluntary and forced returns, reducing absconding); ii) uphold fundamental rights; iii) improve the cost-effectiveness of migration management.

Whilst an attempt is made to compare the impact of detention and alternatives to detention on each of these aspects of effectiveness, it is recognised that the type of individuals placed in detention and in alternatives to detention (and their corresponding circumstances) are likely to differ significantly and therefore the comparisons made need to be treated cautiously.

Ensuring compliance with migration procedures

Note: If it is possible please provide separately data related to international protection (Q13, Q14) and for return (Q14, Q16) procedures. If this is not possible, please clarify and respond to Q16 and Q17 covering both procedures.

Q13. Please provide statistics available in your country for the latest available year on the number of asylum seekers that were placed in detention and in alternatives to detention during the international protection procedures who absconded.

If possible, distinguish between the different types of alternatives to detention that are available in your country (add more rows as needed)

Flow number of third-country nationals in detention or in alternatives to detention in the context of international protection procedures who absconded during the year. Data expressed in absolute figures. Reference years: 2017, 2018, 2019 (Please provide data for each year)		
	# People in international protection procedures (including Dublin)	# of applicants who absconded
Detention (Absolute figures)	N/A	N/A
Alternatives to detention 1 (NAME)	N/A	N/A
Alternatives to detention 2 (NAME)	N/A	N/A
Alternatives to detention 3 (NAME)	N/A	N/A
Alternatives to detention 4 (NAME)	N/A	N/A

If you cannot provide statistics, do you have any other, even qualitative, information on the above (e.g. data on shares, information on possible trends, qualitative observations, etc.)?

Amendments to the legislation on the detention of applicants for international protection is relatively new (Law 4636/2019), as amended and in force by Law 4686/2020) and no relevant discussions-investigations have been conducted with the co-responsible Ministry of Migration and Asylum, in order to draw safe conclusions.

Detention and alternatives to detention in international protection and return procedures

Q14. Please provide any statistics available in your country on the average length of time needed to determine the status of applicants for international protection who are held in detention or are in an alternative to detention. Please also indicate the share of decisions which were appealed and the share of those which overturned the initial decision. Those MS who do not place asylum applicants in detention, shall indicate this at the beginning of the question and skip to the next question.

If possible, distinguish between the different types of alternatives to detention that are available in your country (add more rows as needed).

Average length of time needed to determine the status of applicants for international protection who were detained or in alternatives. Reference years: 2017, 2018, 2019 (Please provide data for each year)

	Average length of time in determining the status of an applicant for international protection	Share of decisions which were appealed and of these, the share which overturned the initial decision
Detention (Absolute figures)	N/A	N/A
Alternatives to detention 1 (NAME)	N/A	N/A
Alternatives to detention 2 (NAME)	N/A	N/A
Alternatives to detention 3 (NAME)	N/A	N/A
Alternatives to detention 4 (NAME)	N/A	N/A

If you cannot provide statistics, do you have any other, even qualitative, information on the above (e.g. data on shares, information on possible trends, qualitative observations, etc.)?

N/A

Q15. Please provide any statistics that may be available in your (Member) State about the number of irregular migrants including failed asylum seekers placed in detention and in alternatives to detention during the return procedure, who absconded.

If possible, distinguish between the different types of alternatives to detention that are available in your (Member) State.

Flow number of third-country nationals in detention or in alternatives in the context of return procedures who absconded. Data expressed in absolute figures per year. Data expressed in absolute figures. Reference years: 2017, 2018, 2019 (Please provide data for each year)

	# of irregular migrants in return procedures (including pre-removal)	# who absconded before removal is implemented
Detention (Absolute figures)	N/A	N/A
Alternatives to detention 1 (NAME)	N/A	N/A
Alternatives to detention 2 (NAME)	N/A	N/A
Alternatives to detention 3 (NAME)	N/A	N/A
Alternatives to detention 4 (NAME)	N/A	N/A

If you cannot provide statistics, do you have any other, even qualitative, information on the above (e.g. data on shares, information on possible trends, qualitative observations, etc.)?

N/A

Q16. . Please provide any statistics that might be available in your country on

- (i) the proportion of voluntary returns and
- (ii) the success rate in the number of departures among persons that were placed in detention and in alternatives to detention.

If possible, distinguish between the different types of alternatives to detention that are available (add more rows as needed)

Average length of procedures to issue a return decision, and number of voluntary return among third country nationals placed in detention or alternatives. Reference years: 2017, 2018, 2019 (Please provide data for each year)				
	Average length of time from apprehending an irregular migrant to issuing a return decision	Average length of time from issuing a return decision to the execution of the return	Number of voluntary returns (persons who opted to return voluntarily) (absolute figures)	Number of effective forced departures (absolute figures)
Detention (Absolute figures)	Within 48 hours	N/A	2017: 5.567, 2018: 4.968 2019: 3.854	2017: 13.439 2018: 7.796 2019: 4.868
Alternatives to detention 1 (NAME)	N/A	N/A	N/A	N/A
Alternatives to detention 2 (NAME)	N/A	N/A	N/A	N/A
Alternatives to detention 3 (NAME)	N/A	N/A	N/A	N/A
Alternatives to detention 4 (NAME)	N/A	N/A	N/A	N/A

If you cannot provide statistics, do you have any other, even qualitative, information on the above (e.g. data on shares, information on possible trends, qualitative observations, etc.)?

N/A

Q17. Have any evaluations or studies on the rate of absconding and degree of cooperation of third-country nationals in detention and in alternatives to detention been undertaken in your (Member) State? Please provide details and if possible, distinguish between the international protection and return procedures.

International protection procedures:
 No, this phenomenon has not been studied.
 Key findings: N/A
 Reference: N/A

Return procedures:
 No, this phenomenon has not been studied.
 Key findings: N/A
 Reference: N/A

Q18. Is there any evidence, or empirical observation on whether detention or alternatives to detention have a greater impact on migration procedures, (e.g. whether they make return procedure more effective), depending on certain characteristics of migrants and specifically country of origin, nationality, family situation, gender, age.

Discuss separately for each available alternative to detention. If possible, provide examples and statistics.

Please discuss separately for international protection and return procedures

International protection
 Detention: No picture has yet been formed for the link between detention-alternative measures and migration procedures.
 Alternative 1: N/A
 Alternative 2: N/A
 Alternative 3: N/A

Return procedures
 Detention: No picture has yet been formed for the link between booking alternatives and procedures.
 Alternative 1: N/A
 Alternative 2: N/A
 Alternative 3: N/A

Upholding fundamental rights

Q19. What human rights safeguards are available in detention and in alternatives to detention?

Safeguards	Detention	Alternatives to detention	Comparison between safeguards provided in detention and in the alternatives to detention
<p>Is access to legal aid ensured? If so, how? Please specify.</p>	<p>Details: Detained applicants for international protection, in case of dispute over the detention decision and the decision to extend it, are entitled to free legal aid, in accordance with the procedure provided in the provisions of Law 3226/2004 (A 24), which are applied accordingly. (paragraphs 6 and 7, article 46, L. 4636/2019). The authorities which are competent for foreigners' issues shall provide information and any possible assistance to third-country nationals who request legal consulting, legal representation and linguistic assistance, in order to exercise his/her rights expressed herein. (article 28, L. 3907/2011) Third-country nationals in detention shall be allowed - on request - to establish in due time contact with their legal representatives, family members and competent consular authorities. Relevant and competent national, international and non governmental organisations and bodies shall have the possibility to visit detention facilities. Third-country nationals kept in detention shall be systematically provided with information which explains the rules applied in the facility and sets out their rights and obligations. Such information shall include their entitlement to contact the organisations and bodies referred to in paragraph 4. (article 31, L3907/2011)</p>	<p>Details: N/A</p>	

<p>Is the right to be heard ensured during detention/alternatives to detention? If so, how? Please specify.</p>	<p>Details: The detained applicants have the rights of appeal and submission of objections, provided in paragraphs 3 and following of article 76 of Law 3386/2005, as it applies both against the initial detention decision and against its extension decision.</p> <p>The detained third-country national, in parallel to his rights provided by the Greek Administrative Procedure Code, may object against the detention decision or detention extension before the president or the local first instance judge of the competent administrative first instance court, appointed by the former, in which he/she is being detained.</p>	<p>Details: N/A</p>	
<p>Is the right to health (e.g. access to facilities, monitoring of health and wellbeing of the person) ensured? If so, how? Please specify.</p>	<p>Details: Emergency health care and essential treatment of illness shall be provided to third-country nationals in detention. Particular attention shall be paid to the situation of vulnerable persons. Relevant and competent national, international and non governmental organisations and bodies shall have the possibility to visit detention facilities.</p>	<p>Details: Throughout the period of third-country national's voluntary return, as provided according to article 22 and within the period that the return is postponed, according to the article 24, the relevant competent authorities shall mind for taking the respective measures in order to: a) safeguard the thirdcountry national's family integrity within his/her family members established in Greece, b) safeguard minors' access to compulsory education, accordingly to their term of stay, according to article 72, Law 3386/2005, c) provide emergency health care and essential treatment of illness, according to article 84, par. 1, Law 3386/2005 and d) take into consideration all special needs of vulnerable persons. (Article 29, L. 3907/2011)</p>	
<p>Please add any additional safeguard</p>			

Q20. Have evaluations or studies been conducted in your (Member) State on the impact of detention and alternatives to detention on the fundamental rights of the third-country nationals concerned (for example, with regard to the number of complaints of detainees or persons provided alternatives to detention, of mental and physical health)?

No
Key findings: n/a
Reference: n/a

Q21. Please provide any statistics available in your country on the number of complaints regarding violations of human rights¹² and the number of court cases regarding fundamental rights violations in detention as opposed to alternatives to detention (please quote the relevant case law/decision). Please provide the statistics for 2019 or the latest year available and, if possible, distinguish between the different types of alternatives to detention that are available in your country.

International protection procedures: N/A
Return procedures: N/A

Improving the cost-effectiveness of migration management

Q22. Have any evaluations or studies in your (Member) State considered the cost-effectiveness of using detention or alternatives to detention as part of the asylum procedure (e.g. length of time to determine an international protection status and executing decisions, costs of procedures, etc)?

If Yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

No
Key findings: n/a
Reference: n/a

Q23. Have any evaluations or studies in your (Member) State considered cost-effectiveness of using detention and alternatives to detention as part of the the return procedures. (e.g., the length of time that transpires from issuing a return decision to the execution of the removal, the share of voluntary returns out of the total number of returns, the total number of removals completed, costs of procedures,)?

If Yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report

No
Key findings: n/a
Reference: n/a

¹² Please consider appeals to a judge but also to a specific administrative commission or ombudsman

Conclusions

Please draft a short conclusion based on your responses to the template above, considering the following:

- i. To what extent are alternatives to detention applied in practice in your country?
- ii. What are the challenges in the implementation and use of alternatives to detention?
- iii. What are the concerns regarding the use of alternatives (if any) compared to detention in international protection and return procedures? In answering this question, please consider each aspect of effectiveness: 1) compliance with migration procedures including reduce the risk of absconding; 2) maximising cost-effectiveness; 3) ensuring respect for fundamental rights;
- iv. What does evidence suggest about main factors identified which contributed to greater or reduced cost-effectiveness (e.g. personal characteristics of the third-country nationals affected, type of alternative provided, etc.)

There are no differences regarding the detention for the return procedures, the provisions of Law 3907/2011 and Law 3386/2005 are still in force. Regarding the process of international protection, Law 4636/2019 entered into force (as amended and in force with Law 4686/2020). The new Law provides that a third-country national or stateless person applying for international protection may be detained by way of exception, if necessary, following an individual assessment and provided that alternative measures for specific reasons cannot be applied (see Table 1). The rationale for the changes introduced by the new legislation is set out in Articles 8 and 9, which, inter alia, briefly state that the detention of the applicant for international protection is an important reason for speeding up the asylum application process as well as the detention of the applicant for international protection is an important reason for speeding up the examination of his appeal under Article 92.

Part of all the various challenges are the regular reporting before the authorities and the availability of staffing and supervision. The supervisory mechanism for the implementation of the measure is manned by the staff of the Pre-Departure Detention Centers, who in this way are burdened with additional tasks, increasing the administrative burden. In addition, the mechanisms to control movements of the person, where there is no established mechanism for controlling the movements, the locally competent Services of the Hellenic Police, where foreigners are designated to report their presence, they must report non-compliance.

Competent authorities may impose obligations on third-country nationals in order to avoid the risk of absconding, such as regular reporting before authorities, the submission of an adequate financial guarantee, the submission of documents or the obligation to stay in a particular place (paragraphs 2 and 3, article 46, L. 4636/2019).

Both international and EU law guarantee and protect the right to liberty and security as a core component of an individual's fundamental rights. The European Convention of Human Rights (ECHR) in its Article 5(1) states the principle that "Everyone has the right to liberty" while Article 9 of the International Covenant on Civil and Political Rights (ICCPR) stipulates that: "[...] Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and following such procedure as are established by law". In summary, all the measures that might have an impact on the person's human rights should be imposed after individual evaluation and on a case-by-case basis.

Despite the legal obligation to consider the use of alternatives to detention, in practice, the widespread use of alternatives is hampered by the scarce availability of institutional tools and the existence of practical challenges resulting in no alternative measures to detention being selected that could achieve the same goal as detention, particularly in the context of return procedures, ensuring compliance with migration procedures and avoidance of absconding. Alternatives to detention are considered to bring effective advantages compared to detention, specifically considering their reduced costs as compared to detention, the reduced interference with fundamental rights, and the fact that they can significantly relieve the pressure on national detention systems¹³.

The lack of empirical research on the practical applicability of alternative measures and which takes into account all related costs, has been identified as one of the main challenges for their implementation. In fact, there are several alternative measures, and some information is available on which measures work better than others. There is lack of sufficient evidence-based information on the effectiveness of these measures in achieving compliance with migration procedures and in particular to prevent absconding. In this sense, improving the overall quality of the assessment procedures, while the clarification of the evaluation criteria for assessing such risks could be crucial to ensure the most advantageous and fair decision on an appropriate alternative. Another issue identified is linked to the availability of alternatives that match the individual circumstances because they are limited in scale or because the individual concerned cannot meet the requirements, which is mainly found in the impossibility of using a financial guarantee for people who do not have sufficient financial resources.

¹³ Asylum Information Database (AIDA) (2020). Greece: Detention. Brussels: AIDA/European Council on Refugees and Exiles (ECRE) <https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/>; Babicka, K. and Zelvenska, J. (2018). Administrative Detention of Asylum Seekers. Athens: Greek Council of Refugees <https://www.gcr.gr/media/k2/attachments/GR-Administrative-Detention.pdf> (in Greek); Nikolopoulos, G. (2018). National Preventive Mechanism against Torture And Ill-Treatment. Annual Special Report 2018. Athens: The Greek Ombudsman <https://www.synigoros.gr/resources/annual-special-report-2018-national-preventive-mechanism-against-torture-and-ill-treatment.pdf>

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Statistical annex

Statistics from EU-harmonised sources, such as Eurostat and the EMN Annual Policy Report, on inter alia the outcome of international protection applications and return, including voluntary return will be used in the Synthesis Report to contextualise the statistics provided in this annex.

Table 1. Statistics on number of third-country nationals in detention and provided alternatives to detention per category

Please provide the cumulative figures (the number of all third-country nationals that have been detained during the year) or please use N/A if data is not available.

Please describe if you are counting persons or numbers of entries (if one person would be countered several times with multiple entries). We would prefer number of persons if both options are possible.

	2015	2016	2017	2018	2019	2020	Source / further information
Statistics on number of third-country nationals in detention per category							
Total number of third-country nationals in detention	N/A	N/A	N/A	N/A	N/A	N/A	
Number of applicants for international protection in ordinary procedures in detention (including Dublin)	N/A	N/A	N/A	N/A	N/A	N/A	
Number of persons detained to prevent illegal entry at borders	N/A	N/A	N/A	N/A	N/A	N/A	
Number of person detained during return procedures (including pre-removal)	N/A	N/A	N/A	N/A	N/A	N/A	
Number of vulnerable persons part of the aforementioned categories of third-country nationals - Please, where possible, disaggregate by type of vulnerable persons (for example, minors, persons with special needs, etc.)	N/A	N/A	N/A	N/A	N/A	N/A	
Vulnerable persons specified - minors	N/A	N/A	N/A	N/A	N/A	N/A	
Vulnerable persons specified – unaccompanied minors	N/A	N/A	N/A	N/A	N/A	N/A	
Number of other third-country nationals placed in migration detention	N/A	N/A	N/A	N/A	N/A	N/A	
Statistics on number of third-country nationals provided alternatives to detention							
Total number of third-country nationals in alternatives to detention	N/A	N/A	N/A	N/A	N/A	N/A	
Number of applicants for international protection in ordinary procedures in Alternatives to detention (including Dublin)	N/A	N/A	N/A	N/A	N/A	N/A	
Number of persons given alternatives to detention to prevent illegal entry at borders	N/A	N/A	N/A	N/A	N/A	N/A	
Number of person in alternatives to detention during return procedures (including pre-removal)	N/A	N/A	N/A	N/A	N/A	N/A	
Number of vulnerable persons part of the aforementioned categories of third-country nationals - Please, where possible, disaggregate by type of vulnerable persons (for example, minors, persons with special needs, etc.)	N/A	N/A	N/A	N/A	N/A	N/A	
Vulnerable persons specified - minors	N/A	N/A	N/A	N/A	N/A	N/A	
Vulnerable persons specified – unaccompanied minors	N/A	N/A	N/A	N/A	N/A	N/A	

Table 3. Categories of third-country nationals that can be detained

Please provide information on the methodology used to calculate the average length of time in detention, including whether the mean or the median was used to calculate the average.

Average length of time in detention	2015	2016	2017	2018	2019	2020	Source / further information
Average length of time in detention of all categories of third-country nationals in detention	N/A	N/A	N/A	N/A	N/A	N/A	
Average length of time in detention of applicants for international protection in ordinary procedures	N/A	N/A	N/A	N/A	N/A	N/A	
Average length of time in detention of persons detained to prevent illegal entry	N/A	N/A	N/A	N/A	N/A	N/A	
Average length of time in detention of persons during return procedures	N/A	N/A	N/A	N/A	N/A	N/A	
Average length of time in detention of vulnerable persons part of the aforementioned categories of third-country nationals - Please, where possible, disaggregate by type of vulnerable persons (for example, minors, persons with special needs, etc.) and by category	N/A	N/A	N/A	N/A	N/A	N/A	

