

Mr Marios Kaleas  
Director of the Asylum Service  
Ministry of Migration and Asylum  
Thivon Av. 196-198, Ag. Ioannis Rentis 18233

**cc:**

Mr Panagiotis Mitarakis, Minister of Migration and Asylum  
Mr Nikolaos Dendias, Minister of Foreign Affairs  
Mr Miltiadis Varvitsiotis, Deputy Minister of Foreign Affairs  
Ms Maria Fokianou, Executive Director of the Appeals Authority  
Ms Beate Gminder, Deputy Director-General for Migration and  
Home Affairs of the European Commission

Athens, 27 October 2022

Ref. no: β/72/27.10.2022

**Re: European Commission dispels Greece's designation of Türkiye as a "safe third country" for refugees – Repeal the national list of safe third countries**

Dear Mr Kaleas,

The latest [European Commission report on Türkiye](#) (SWD(2022) 333) counters Greece's designation of Türkiye as a "safe third country" for refugees, enacted through a [national list of safe third countries](#) (JMD 42799/2021, B' 2425, as amended by JMD 458568/2021, B' 5949) based on which more than 7,000 asylum claims from nationals of Syria, Afghanistan, Somalia, Pakistan and Bangladesh have been dismissed as inadmissible.<sup>1</sup>

The 12 October 2022 report of the European Commission, an official and "credible source of information" for Greek authorities,<sup>2</sup> demonstrates beyond doubt that Türkiye does not meet the criteria set by Article 38 of the Asylum Procedures Directive and Article 91 of the Greek Asylum Code (L 4939/2022, A' 111) for designation as a "safe third country" for refugees:

- 1. No access to refugee protection (Article 91(1)(e) Greek Asylum Code):** Türkiye does not offer refugees protection in accordance with the 1951 Refugee Convention since, according to the European Commission:
  - ❖ It publicly declares it shall "no longer receive migrants on its territory", while hostile treatment and attacks against refugees increase (pp. 20 and 54 of the report);
  - ❖ It has officially stopped registrations of applications for international and temporary protection in several provinces based on the "25% rule" which limits the number of foreigners residing in each province. At the same time, serious obstacles to registration of refugees persist in other provinces (p. 20 of the report);

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<sup>1</sup> The Greek Asylum Service [dismissed](#) 7,005 asylum applications as inadmissible at first instance based on the national list from June 2021 to June 2022.

<sup>2</sup> Article 91(3) Greek Asylum Code.

- ❖ It no longer grants automatic temporary protection status to Syrian refugees. Instead, Turkish authorities place new arrivals in camps and assess their need for protection. This measure is aimed at restricting arrivals of people from Syria for economic reasons. However, the Commission notes that this is not a lawful ground for exclusion of temporary protection (p. 55 of the report);
- ❖ It has deactivated the protection status of over 600,000 refugees on the sole ground of residing in a place other than their declared address, without any assessment of their needs for protection. Of those, only 150,000 have been able to reactivate their status (p. 56 of the report);
- ❖ A large majority of refugees do not have access to the labour market and thus face financial insecurity, a situation that has been exacerbated by the COVID-19 pandemic. Moreover, more than 425,000 children are out of school (p. 57 of the report).

**2. Breach of the non-refoulement principle (Article 91(1)(b) Greek Asylum Code):** The European Commission confirms that Turkish authorities use practices of *refoulement* of refugees by deporting refugees coerced into signing “voluntary return” forms in detention centres (p. 20 of the report). The European Court of Human Rights (ECtHR) recently condemned Türkiye for such practices in [Akkad v. Türkiye](#).

**3. Human rights violations in detention:** Rights violations persist in detention centres, as refugees are denied access to information in a language they understand, to asylum procedures and to legal assistance (p. 54 of the report), contrary to European standards (p. 20 of the report).

**4. Rule of law backsliding:** Democratic backsliding continues and structural deficiencies persist, namely in relation to the systemic lack of independence of the judiciary and to refusal to comply with international and European standards (pp. 4-6, 11 et seq., 30 et seq. of the report). The ECtHR recently condemned Türkiye in infringement proceedings in the [Kavala v. Türkiye](#) case for refusing to implement an earlier judgment of the Court.

Greece is set to re-examine the designation of Türkiye as a “safe third country” next month, based on a fresh opinion of the Asylum Service.<sup>3</sup>

In any event, the report notes that Türkiye does not accept any readmission from Greece, since it: (i) maintains its position against implementing the EU-Türkiye Readmission Agreement to third-country nationals; (ii) has unilaterally suspended the bilateral Greece-Türkiye Readmission Protocol since 2018; and (iii) has unilaterally suspended returns from the Greek islands under the EU-Turkey deal since 2020 (p. 53 of the report). In a different [report](#) (COM(2022) 243), the European Commission notes that Türkiye’s refusal of returns relates to bilateral differences with Greece, not to the COVID-19 pandemic.<sup>4</sup>

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<sup>3</sup> Article 91(3) Greek Asylum Code.

<sup>4</sup> Article 38(4) Asylum Procedures and Article 91(5) Greek Asylum Code require Greece to process cases on the merits where the applicant cannot be readmitted.

In light of the above, we urge your services and the Ministries of Migration and Asylum and of Foreign Affairs to:

- 1. Immediately repeal the national list of safe third countries set out by JMD 42799/2021, as amended by JMD 458568/2021.**
- 2. Publish previous and upcoming opinions of the Director of the Asylum Service regarding the designation of safe third countries, which should be made available to asylum seekers subject to the application of the list according to the [European Commission](#).**
- 3. Stop dismissing asylum applications as inadmissible based on the “safe third country” concept.**

Yours sincerely,

The undersigned organisations

ARSIS – Association for the Social Support of Youth  
Danish Refugee Council (DRC)  
ECHO100Plus  
Equal Rights Beyond Borders  
Fenix – Humanitarian Legal Aid  
Greek Council for Refugees (GCR)  
HIAS Greece  
HumanRights360  
International Rescue Committee  
Legal Centre Lesbos  
METAdrasi – Action for Migration and Development  
Refugee Legal Support (RLS)  
Refugee Support Aegean (RSA)  
Safe Passage International  
Symbiosis – School of Political Studies in Greece, Council of Europe Network  
Terre des hommes Hellas