

**GOOD PRACTICES IN THE RETURN
AND REINTEGRATION OF IRREGULAR MIGRANTS:
MEMBER STATES' ENTRY BANS POLICY &
USE OF READMISSION AGREEMENTS
BETWEEN MEMBER STATES AND THIRD COUNTRIES**



The Institute of International Relations (IIR) of Panteion University of Social and Political Sciences implemented the study

Authors of the study:

- Maria Daniella Marouda, Assistant Professor, International and European Studies, Panteion University, Member of the Naturalization Commission, Decentralized Administration of Crete.
- Dr. Vasiliki S
- aranti, Adjunct Lecturer, Hellenic Military Academy, Part-time Lecturer, National Police Academy
- Dr. Eleni Koutsouraki, Université Paris II, Panthéon Assas – Panteion University.
- Sotirios Kyrkos, Military Judge A', Member of the Judiciary of the Armed Forces.

- Contribution to the translation M. Simegiatou, J. Mastorakis

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

More information on the EMN and its work can be found on the website <http://emn.intrasoft-intl.com/html/index.html> or on the Greek website <http://emn.ypes.gr>

Contact data with the Greek Focal Point of the European Migration Network:

Ministry of Interior

General Secretariat for Population and Social Cohesion

General Directorate for Migration Policy

Directorate of Immigration Policy

Department of Immigration Policy

Evangelistrias 2

105 63 Athens

Tel. 0030 213 136 1308

Email: emn@ypes.gr

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European Migration Network (EMN)

EMN Focussed Study 2014

Good Practices in the return and reintegration of irregular migrants: Member States' entry bans policy & use of readmission agreements between Member States and third countries

Top-line 'factsheet'/Executive summary

National contribution (one page only)

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

The imposition of an entry ban in Greece is regulated by a rather concise legal framework that comprises Law 3907/2011 and 3386/2005, Joint Ministerial Decision (JMD) 4000/4/32-xii', 4.9.2006, in combination with the Convention Implementing the Schengen Agreement (Law 2514/1997). As a general rule, if a deportation is ordered by virtue of a judicial or administrative decision, an entry ban is also imposed. Moreover, an entry ban is ordered, if the person concerned is considered a threat to public order, public safety or national security.

The registration in the National List of Undesirable Aliens¹ (NLUA) is done by the police and followed by an entry in the Schengen Information System. This decision, as an individual administrative act, is subject to an appeal to the same administrative authority that has issued the decision and then appeal to the administrative courts. It is noteworthy that the entry ban is not imposed for humanitarian reasons, including for instance for victims of human trafficking and migrant smuggling². However, it is an issue of concern that, according to the decision of the Council of State, the right to family life is not a sufficient reason to delete someone from the NLUA³. Those third country nationals that shall not be subject to deportation are equally not subject to registration in the NLUA (minors under certain conditions, elderly, pregnant women, etc.).

Moreover, if the deportee has been recognized as a refugee, his/her name is deleted definitively from the National List of Undesirable Aliens, because the status of refugee is permanent. If he/she is an asylum seeker, he/she is deleted temporarily until his/her status is conclusively determined. Registration ceases ipso facto after the withdrawal or suspension of the administrative decision imposing the expulsion or suspension of the judgment imposing the expulsion⁴.

Regarding deportation, most difficulties are identified mainly for irregular migrants from Afghanistan, Algeria, Bangladesh, Iraq, Iran, Morocco Somalia and Pakistan. Difficulties are mainly due to the lack of cooperation, between Greek authorities and the relevant diplomatic representations regarding the issuing of travel documents, as well as the non-cooperation of the third country national in the identification of his/her personal details, or his/her refusal to return to the country of origin.

As to the separate bilateral readmission agreements with third countries, the procedure of readmission is applied in the cases of irregular migrants entering from Turkey, on the basis of the Readmission Protocol signed by Greece and Turkey.

It is worth noting that the procedure of readmission is successful mostly in the case of Albanian nationals

¹ Although the term "third country national" is used in the EMN Glossary, when referring to the Law 3386/2005 certain articles refer to third country nationals (e.g. article 8) others to 'aliens' e.g. article 75 et seq. Moreover the National List of Undesirable Aliens¹ (NLUA) and the relevant Ministerial Decision uses the term "Alien" as the translation for 'αλλοδαπός.' We will use the term third country national, as a general term, and alien when referring to the National List of Undesirable Aliens. Hence, the different terms used in the current Study.

² By virtue of an explicit provision (Law 3907/2011. See also *Greek Ombudsman*, Summary of mediation, «Deleting a victim of trafficking from the National List of Undesirable Aliens (NLUA) for humanitarian reasons, January 2006.

³ Council of State, judgment 715/2012. The applicant was registered in the National List of Undesirable Aliens and the Schengen Information System and an entry ban was imposed on him for four years with the justification that he attempted to enter the country with a false passport; father of 3 minor children, of whom he had exclusive custody, he had established stable bonds with Greece and was working as an assistant in a privately owned company. However, the Council of State, contrary to the Administrative Court of First Instance, did not accept the violation of article 8 par. 1 of ECHR.

⁴ See Advisory Opinion no 3040/05/Adv.2/10.2.2006 by the Prosecutor of the Supreme Court.

apprehended at Greek external borders.

As far as voluntary returns are concerned, the introduction of a new procedure is one of the main pillars of Greek policy regarding the modern and efficient management of the migration phenomenon. The voluntary return of third country nationals to their home countries is financed by the European Return Fund, which is managed by the Hellenic Police Headquarters (ΓΑΔΑ) as responsible authority. The voluntary repatriation of third-country nationals is organized by the competent departments of the Hellenic Police or through the implementation of a relevant action assigned to the International Organization for Migration (IOM). It is noted that for these third country nationals, return decisions are issued without order for detention, nor imposition of entry ban.

Section 3 Entry bans (maximum 10 pages)

This section reviews the national legal framework for imposing entry bans, in particular the grounds for issuing an entry ban (including criteria/indicators for assessing whether the grounds apply in individual cases), the categories of third-country national who can be issued such a ban, and the territorial scope of the entry ban. It also provides an overview of the authorities responsible for the imposition and decision-making of entry bans. The practical implementation of entry bans is explored by reviewing the extent to which Member States use a graduated approach, where entry bans are withdrawn or suspended depending on individual circumstances and the category of third-country national. Cooperation between Member States when implementing entry bans is addressed by reviewing whether Member States enter an alert into the SIS following imposition of an entry ban and by reviewing the information exchange/consultation processes including existing information sharing mechanisms between Member States. The section finally also includes questions about the perceived or actual effectiveness of entry bans, the main challenges associated with entry bans and any evidence of good practice.

SECTION 3.1 NATIONAL LEGAL FRAMEWORK ON ENTRY BANS: GROUNDS FOR IMPOSITION OF ENTRY BANS AND CATEGORIES OF THIRD-COUNTRY NATIONAL SUBJECT TO ENTRY BANS

Q1. In your Member State, which scenario applies to the imposition of entry bans?

- a) Entry bans are automatically imposed in case the return obligation has not been complied with
OR no period of voluntary departure has been granted

Yes (article 26 paragraph 1, Law 3907/2011).

- b) Entry-bans are automatically imposed on all return decisions other than under a)

Yes.

Third country nationals ('Aliens' according the legislation) that are subject to deportation, by virtue of a judicial or administrative decision, are registered in the National List of Undesirable Aliens. (Article 1, paragraph 1, Joint Ministerial Decision 4000/4/32-xii, 4.9.2006).

- c) Entry bans are issued on a case by case basis on all return decisions other than a)

No

Q2a. What are according to national legislation in your Member State the grounds for imposing entry bans? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 3.1 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

Table 3.1: Grounds for imposing entry bans

Grounds for imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Risk of absconding ⁵	Not explicitly	<p>The risk of absconding is not mentioned explicitly, however article 8, paragraph 2c , Law 3386/05 stipulates that entry is denied to any third country national⁶ who has a visa if his/her passport or other travel document does not ensure his/her return to the country of origin, country of nationality or to a third country.</p> <p>Moreover, competent authorities are obliged to impose entry ban attached to the return decision, insofar voluntary departure period has not been granted (Article 26 paragraph 1, Law 3907/2011). A period for voluntary departure is not granted if there is a risk of absconding or the application for a legal stay has been dismissed as manifestly unfounded or abusive or the third country national poses a risk to public safety, public order or national security (Article 22 paragraph 4 Law 3907/2011)</p>
The third-country national concerned poses a risk to public policy, public security or national security ⁷ .	Yes	<p>Art. 8 paragraph 2b Law 3386/2005 and Article 26 paragraph 1 of Law 3907/2011 .</p> <p>The following individuals are registered in the NLUA, pursuant to Article 1 ,Joint Ministerial Decision 4000/4/32 - 1 / 4 of September 2006 (Government Gazette 1353/14 September 2006)</p> <p>A. Third party nationals against whom deportation has been ordered, by virtue of a judicial or administrative decision.</p> <p>b Third party nationals whose presence on the Greek territory represents a threat to national or public security or public order. This is the case in particular when there is evidence that the third party national has committed a serious offense or preparatory acts thereof.</p> <p>c Third party nationals whose presence on Greek territory is dangerous to public health (as defined in subparagraph d of paragraph 1 of Article 76 of Law 3386/2005).</p> <p>In accordance with Article 96 of the Convention implementing the Schengen Agreement, the «decisions for the registration of individuals in the SIS-Schengen Information System for the purposes of refusing entry” may be based on a threat to public order or national security and safety which the presence of an alien in national territory may pose. Such may in particular be the case of:⁸:</p> <p>(a) A third country national who has been convicted of an offence carrying a custodial sentence of at least one year;</p> <p>(b) A third country national who, there are serious grounds for believing, has committed serious offences, including those referred to in Article 71, or against whom there is genuine evidence of an intention to commit such offences in the territory of a Contracting Party.</p> <p>3. Decisions may also be based on the fact that the alien has been the subject of a deportation, removal or expulsion measure which has not been rescinded or suspended, including or accompanied by a prohibition on entry</p>

⁵As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

⁶ See footnote 1

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

⁸By virtue of article 96 of the Convention Implementing the Schengen Agreement (CISA). *Examples of indicators may comprise the following: Third country national that has been convicted for an offence incurring a penalty of at least one year imprisonment; a third country national against whom there are serious reasons to believe that he/she has committed serious punishable acts or against whom there are serious indications of committing such offenses; the third country national is subject to deportation measures, refusal of entry or departure, prohibition of stay etc.*

		or, where appropriate, residence, based on non-compliance with national regulations on the entry or residence of aliens. ⁹ .
The application for legal stay was dismissed as manifestly unfounded or fraudulent ¹⁰	Yes	In this case, no period for voluntary departure is granted (Article 22 paragraph 4, Law 3907/2011). Therefore, it is mandatory that the return decision is followed by an entry ban of the third country national in Greece (Article 26 paragraph 1, Law 3907 / 2011).
The obligation to return has not been complied with ¹¹	Yes	<p>Article 26 paragraph 1, Law 3907/2011. The following individuals are registered in the National List of Undesirable Aliens, pursuant to Article 1 of the Joint Ministerial Decision No. 4000/4/32 - 1 / 4 of September 2006 (Government Gazette 1353/14 September 2006)</p> <p>A. Third party nationals against whom deportation has been ordered, by virtue of a judicial or administrative decision.</p> <p>Article 96 of the Convention implementing the Schengen Agreement stipulates that Decisions (for the entry of individuals in the SIS- Schengen Information System for refusal of entry) may also be based on the fact that the third party national has been subject to a measure of direct and without suspension removal, dismissal or expulsion including or accompanied by an entry ban or, where appropriate, prohibition of stay, and is based on non-compliance with national regulations on the entry or residence of aliens</p>
<p>Other (e.g. please indicate and add rows as appropriate)</p> <p>Art 8 of Law 3386/2005:</p> <ul style="list-style-type: none"> - Entry ban - The passport does not guarantee a return to his country - Lack of visa - he/she does not have the financial means for a sustainable living - Involvement in smuggling of migrants <p>Art 76 Law 3386/2005:</p> <ul style="list-style-type: none"> - Imprisonment - Violation of the provisions of this law is a risk to public health 		<p>Article 8 of Law 3386/2005 provides for the following cases: The Greek supervisory authorities, by virtue of a justified judgment, may prohibit entry into Greece to a third country national who holds a visa, if they find out that the person concerned:</p> <ol style="list-style-type: none"> a) Is included in the list of third-country nationals to whom the prohibition of entry under article 82 hereof applies. b) The passport or other travel documents do not ensure his/her return to the country of origin or nationality or a third country. c) Enters with the purpose of residing in Greece for a purpose requiring a residence permit but he/she does not hold the necessary visa; d) Does not hold the necessary documents to justify the purpose of his/her trip and the financial means to support himself/herself. However, a Greek national may, by a reception statement drawn up on a special form and submitted as documentation to the passport control authorities, mention the purpose of the third-country national's trip and guarantee, by depositing to the Loans and Deposits Fund a sum covering the costs of refoulement or deportation and a sum equal to unskilled workers' three-months' salary, to cover in part or in total the necessary cost for his/her maintenance. The Minister of Public Order may issue a decision and allow the entry of a third-country national at the (controlled) border points, despite the occurrence of a prohibiting reason under this paragraph, if it is dictated on grounds of public interest or force majeure or facilitation of sail of a Greek ship, which cannot be served in any other way. e) Is involved in any way in smuggling of migrants by an organized crime group. His/her visa will then be revoked and the list of undesirable aliens (art. 82 paragraph 1) updated". <p>As a result of the issuance of a decision on administrative expulsion against a third country national, he/she is registered in the list of undesirable aliens.</p> <p>It should be noted that the administrative expulsion of an alien shall be allowed when:</p> <ol style="list-style-type: none"> a) He/she has been irrevocably sentenced to a freedom-depriving sentence of at least one year or, irrespective of sentence, for crimes against the

⁹ Based on Article 96 of the Schengen Implementing Agreement (SIA).

¹⁰ As stipulated in the Return Directive in Article 11(1)(a) in combination with Article 7(4).

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

		<p>regime or treason, drug-related crimes, money laundering, international financial crimes, crimes with the use of high technology, currency-related crimes, resistance, child abduction, crimes against sexual freedom and economic exploitation of sexual life, theft, fraud, misappropriation, extortion, usury, violation of the law on intermediaries, forgery, false statement, slander, smuggling, crimes relating to weapons, antiquities, forwarding of illegal immigrants in the country or facilitation of their transport or forwarding or provision of accommodation thereto for hiding, and provided that his/her expulsion was not ordered by the court;</p> <p>b) He/She has infringed the provisions of Law 3386/2005 (relating to entry, residence etc of third country nationals on the Greek Territory).</p> <p>c) His/her presence on Greek territory is dangerous to public health and he/she refuses to comply with measures determined by medical authorities for the protection thereof, unless he/she has received the necessary information. This condition applies if the third country national is suffering from an infectious disease or belongs to a group vulnerable to infectious diseases, particularly due to the state of public health in the country of origin or due to the use of illegal substances by injection or because he/she is a prostitute as defined in Law 2734/1999 , or because he/she lives in conditions that do not meet the minimum standards of hygiene, as these are determined by health regulations.</p>
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Q2b. What are the national grounds based upon which your Member State can decide not to issue an entry ban? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 3.2 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

Table 3.2: Grounds for not imposing entry bans

Grounds for not imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Humanitarian reasons	Yes	<p>Article 26 paragraph 3 Law no.3907/2011:</p> <p>The victims of trafficking in human beings, as well as victims of illegal smuggling of migrants who have been granted a residence permit pursuant to Articles 46 to 51 of Law 3386/2005, are not subject to entry ban, if they do not represent a threat to public order or public safety or national security and provided that they comply fully with the return decision issued, if for any reason they lose the right of residence in the country.</p> <p>The competent authorities may not issue, suspend or revoke the entry ban for humanitarian reasons or reasons of public interest, in accordance with the provisions of paragraph 2 of Article 8 of L.3386/2005 and JMD 4000/4/32-ib of 4.9.2006</p> <p>Moreover, Article 82, par. 6 of Law 3386/2005 provides that “The third country national is deleted from the list of undesirable aliens, if he/she is designated victim, as defined in the cases x and xi of paragraph 1 of Article 1 or if he/she has been the victim of human trafficking or illegal smuggling of migrants according to a final judgment before the enactment of this law, provided that he/she has been registered in the list because of conviction on any of the offenses of unlawful entry, possession and use of false travel documents or identification card or residence permits or other, with identical content, original documents of other persons, illegal labor and prostitution committed during the period of trafficking and which, justifiably, are related with any of the crimes of Article 1, paragraph 1 c and xi, of which he/she was a victim.</p>

Right to family life (Article 8 ECHR)	No	
Health reasons	No	

Q3. Please provide a short overview of the categories of third-country national that can be issued an entry ban by completing the table 3.3 below:

Table 3.3: Categories of third-country national who can be issued an entry ban

Categories of third-country national who can be issued an entry ban ¹²	Who comply voluntarily with return decision (Y/N)	Who do not cooperate with return decision (Y/N)
Third-country nationals staying illegally on the territory of a Member State (including residence/visa over-stayers, rejected applicants for international protection, third-country nationals who entered the territory illegally)	No (art. 26, paragraph. 1, Law 3907/2011)	Yes (art. 26, paragraph 1, Law 3907/2011)
Third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code	Yes	Yes
Third-country nationals who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State	Yes (art. 1, paragraph 1 ^a , JMD 4000/4/32-xii, 4.9.2006) in conjunction with art. 76, Law 3386/2005 (on the conditions for issuing an administrative deportation decision, resulting in an entry ban)	Yes (art. 1 paragraph 1 ^a JMD 4000/4/32-xii, 4.9.2006) in conjunction with art. 76 Law 3386/2005 (regarding the conditions for issuing a decision on administrative deportation, which has as a consequence the imposition of an entry ban)
Third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction	Yes (art. 1, paragraph 1 ^a , JMD 4000/4/32-xii, 4.9.2006) in conjunction with art. 76, Law 3386/2005 (regarding the conditions for issuing an administrative deportation decision, resulting in an entry ban). One of these conditions is the final sentence of imprisonment of at least one year, or irrespective of the penalty, the conviction for crimes against the constitution, treason, crimes related to drug trafficking, etc. (see above). Moreover, “Third country nationals whose presence in the Greek territory poses a threat to national or public security or public order” Also, regarding the judicial deportation that has as consequence the entry ban, see art. 74 and 99 of the Greek Penal Code	Yes (art. 1 paragraph 1 JMD 4000/4/32-xii, 4.9.2006) in conjunction with art. 76 Law 3386/2005 (regarding the conditions for issuing a decision on administrative deportation, which has as a consequence the imposition of an entry ban). One of these conditions is the final sentence of imprisonment of at least one year, or irrespective of the penalty, the conviction for crimes against the constitution, treason, crimes related to drug trafficking, etc. Moreover, “Third country nationals whose presence in the Greek territory poses a risk to national or public security or public order” Also, regarding the judicial deportation that has as

¹² Based on Article 2 Return Directive

	“The court may order the expulsion of an alien sentenced to imprisonment subject to the relevant provisions contained in international conventions ratified by the country”	consequence the entry ban, see art. 74 and 99 of the Greek Penal Code “The court may order the expulsion of an alien sentenced to imprisonment subject to the relevant provisions contained in international conventions ratified by the country”
Other (please indicate and add rows as appropriate)	-	-

Q4. Specify the territorial scope of entry bans that are imposed by your Member State, i.e. do they apply to the entire EU territory or do they only cover the national territory of the Member State? If both types of entry bans can be imposed, please indicate that this is the case.

Third country nationals registered in the National List of Undesirable Aliens are also entered in the Schengen Information System, under the conditions stipulated by article 94 of the Convention Implementing the Schengen Agreement (art. 1. par. 2. JMD 4000/4/32-ιβ', 4.9.2006)

Q5. Which institution(s) in your Member State decides whether or not to issue an entry ban on third-country nationals who are the subject of a return decision? Please specify whether this concerns for example the police, border police, immigration service, asylum agency etc.

According to article 38 paragraph 1 of L. 3906/2011, the entry ban stipulated in article 26 shall be imposed by entering the alien to the relevant stop-list kept in the Ministry of Citizen Protection, according to article 82 of Law 3386/2005, and Chapter IV of regulation (EC) 1987/2006 on the establishment, operation and use of the second generation Schengen Information System (OJ L 381/28-12-2006). Each case shall be automatically reviewed every three years

Registration of third country nationals in the National List of Undesirable Aliens takes place by virtue of a decision by: a) the Director of the Directorate of Immigration of the Hellenic Police Headquarters in the cases of subparagraphs b and c of paragraph 1 of preceding Article 1, without prejudice to the following subparagraph, b) the Director of the State Security Department of the Greek Police Headquarters, if the registration is based on national security reasons, c) the Heads of Police Divisions and Aliens Directorates of Attica and Thessaloniki, by reason of local jurisdiction, in case (a) of paragraph 1 of the preceding Article 1 (Article 2, par. 1. JMD 4000/4/32-xii, 4.9.2006) .

SECTION 3.2 PRACTICAL APPLICATION OF ENTRY BANS

Q6. Who informs third-country nationals of the imposition of the entry ban and what procedure is used to convey this information? Please specify

The entry-ban decisions are communicated to the person concerned and state the legal and factual reasons for their adoption, as well as information about available remedies (Article 26, Law 3907/2011).

Q7. Do third-country nationals who have been imposed an entry ban have the possibility to appeal the decision? (Yes/No) Specify whether this is laid down in national law (make reference to the national legislation and the provision) and specify the concerned court of appeal

Yes. Enforceable individual administrative acts or omissions, which create legal administrative disputes of substance, are subject to an appeal (Art. 63 Code of Administrative Procedure in conjunction with art. 26 § 3 of Law 3709/2011). This is an appeal to the same administrative authority that has issued the act. The applicant may appeal the decision of the administrative authority before the competent Administrative Courts (Art. 79, Code of Administrative Procedure).

Q8. Please indicate whether entry bans can be withdrawn or suspended in your Member State, specifying the categories of third country national who may be withdrawn/suspended from an entry ban, and explain the circumstances or reasons for this by filling out the table 3.4 below:

Table 3.4: withdrawal and suspension of entry bans

Categories of third-country national who can be exempted from an entry ban	Entry ban can be withdrawn or suspended (Y/N)	If yes, please provide information on the criteria/indicators used
Third-country nationals who can demonstrate that they have left the territory of the member State in full compliance with a return decision	Yes	<p>The competent authorities may revoke or suspend an entry ban when a third country national, for whom an entry ban has been issued in accordance with paragraph 1 b, submits an application and can demonstrate that he/she has left the Greek territory in full compliance with a return decision (Article 26 paragraph 3 of Law 3907/2011).</p> <p>The voluntary departure of the third country national who is under deferral of removal, as well as the voluntary departure of the third country national after the end of the relevant deadline if the delay is due to force majeure, shall also be deemed as full compliance with the return decision for the purposes of paragraph 3 of Article 26 (Article 38 paragraph 2 of Law 3907/2011).</p>

Victims of trafficking in human beings who have been granted a residence permit pursuant to Council Directive 2004/81/EC (provided they do not represent a threat to public policy, public security or national security)	Yes	<p>Victims of trafficking who have been granted a residence permit in accordance with Articles 46 to 51 of Law 3386/2005, are not subject to entry bans, insofar as they do not constitute a threat to public order or public safety or national security and provided that they comply fully to the return decision issued if the right of residence in the country is lost for any reason whatsoever. (Article 26 paragraph 3 of Law 3907/2011)</p> <p>Also, Article 82, par. 6 of Law 3386/2005 provides that “The third country national is deleted from the list of undesirable aliens, if he/she is designated victim, as defined in the cases x and xi of paragraph 1 of Article 1 or if he/she has been the victim of human trafficking or illegal smuggling of migrants according to a final judgment before the enactment of this law, provided that he/she has been registered in the list because of conviction on any of the offenses of unlawful entry, possession and use of false travel documents or identification card or residence permits or other, with identical content, original documents of other persons, illegal labor and prostitution committed during the period of trafficking and which, justifiably, are related with any of the crimes of Article 1, paragraph 1 c and xi, of which he/she was a victim</p>
Minors	Sometimes	<p>Deportation or return of a child is prohibited if the parents or persons having the custody of the child are legally residing in Greece (art. 79 par. 1 Law 3386/2005 and Article 41 par. 1 Law 3907/2011) or if he/she is a minor who has been subject to reformatory measures imposed by a judgment of the Juvenile Court (Article 41 paragraph 1 e Law 3907/2011). Therefore, in this case an entry ban cannot be imposed.</p>
Unaccompanied Minors	Sometimes	<p>Apart from the abovementioned cases, the return of an unaccompanied minor is permitted in general under the following conditions:</p> <ol style="list-style-type: none"> 1. Before deciding to issue a return decision in respect of an unaccompanied minor and having given due considerations to the best interests, assistance by appropriate bodies is provided, other than the authorities enforcing return, pursuant to Article 19 of paragraph d. 220/2007 (Government Gazette 251 A) and applied accordingly. 2. Before removing an unaccompanied minor from the country, the competent authorities shall ascertain that he/she will be returned to a family member, a nominated guardian or adequate reception facilities in the country of return. (Article 25 of Law 3907/2011). <p>Therefore, in these cases an entry ban may be imposed, which may be revoked or suspended.</p>
Disabled people	Yes	<p>It is included in the notion of "humanitarian reasons" ("The competent authorities may not issue, suspend or revoke the ban on entry for humanitarian reasons or reasons of public interest, in accordance with the provisions of paragraph 2 of Article 8 of Law 3386/2005 and JMD 4000/4/32-xii of 4.9.2006. (art. 26 paragraph 3 of Law 3907/2011) ")</p>
Elderly people	Yes	<p>Deportation or return of people who are more than 80 years old is prohibited, unless they are a threat to public order, national security or public health (Article 79 paragraphs 1 and 2 of Law 3386/2005 and Article 41 paragraph 1 c of Law 3907/2011)</p>
Pregnant women	Yes	<p>Deportation or return of pregnant women during pregnancy and for six months after labour is prohibited (Article 79 paragraphs 1 and 2 of Law 3386/2005 and Article 41 paragraph 1 Law 3907/2011).</p>

Single parents with minor children	Yes	Deportation or return is prohibited only if he/she is a parent of a minor who holds the Greek nationality and has the custody or maintenance obligation which he/she fulfills (art. 79 par. 1 3386/2005 and Article 41 paragraph 1b of Law 3907/2011).
Persons with serious illness	Yes	It is included in the notion of "humanitarian reasons" ("The competent authorities may not issue, suspend or revoke the ban on entry for humanitarian reasons or reasons of public interest, in accordance with the provisions of paragraph 2 of Article 8 of Law 3386/2005 and JMD 4000/4/32-xii of 4.9.2006. (art. 26 paragraph 3 of Law 3907/2011) ")
Persons with mental disorders	Yes	It is included in the notion of "humanitarian reasons" ("The competent authorities may not issue, suspend or revoke the ban on entry for humanitarian reasons or reasons of public interest, in accordance with the provisions of paragraph 2 of Article 8 of Law 3386/2005 and JMD 4000/4/32-xii of 4.9.2006. (art. 26 paragraph 3 of Law 3907/2011) ")
Persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence (e.g. victims of female genital mutilation)	Yes	It is included in the notion of "humanitarian reasons" ("The competent authorities may not issue, suspend or revoke the ban on entry for humanitarian reasons or reasons of public interest, in accordance with the provisions of paragraph 2 of Article 8 of Law 3386/2005 and JMD 4000/4/32-xii of 4.9.2006. (art. 26 paragraph 3 of Law 3907/2011) ")
Other individual cases or certain categories of cases for other reasons (please indicate and add rows as appropriate) Victims of smuggling of migrants Delisting from the list of undesirable aliens is also provided for the following reasons: a. By the end of the validity period of the registration decision. b From the revocation or cancellation of the administrative expulsion decision by virtue of which they have been registered. c From the decision of the Minister of Justice, authorizing the return of the third country national to his country, in accordance with Articles 74 or 99 of the Penal Code and for as long as specified therein. d With the abolition of the judgment imposing the deportation. e Since the suspension of enforcement of the deportation order by the competent court and for the duration of the suspension .	Yes	Victims of trafficking who have been granted a residence permit in accordance with Articles 46 to 51 of Law 3386/2005, are not subject to entry bans, insofar as they do not constitute a threat to public order or public safety or national security and provided that they comply fully to the return decision issued if the right of residence in the country is lost for any reason whatsoever. (Article 26 § 3 of Law 3907/2011) Also, Article 82, par. 6 of Law 3386/2005 provides that "The third country national is deleted from the list of undesirable aliens, if he/she is designated victim, as defined in the cases x and xi of paragraph 1 of Article 1 or if he/she has been the victim of human trafficking or illegal smuggling of migrants according to a final judgment before the enactment of this law, provided that he/she has been registered in the list because of conviction on any of the offenses of unlawful entry, possession and use of false travel documents or identification card or residence permits or other, with identical content, original documents of other persons, illegal labor and prostitution committed during the period of trafficking and which, justifiably, are related with any of the crimes of Article 1, paragraph 1 c and xi, of which he/she was a victim

Q9. Is the institution responsible for the imposition of the entry ban the same as the authority that is competent to decide on withdrawal/suspension? Yes/ No. If not, or in case other actors are involved, please specify which ones and comment on the cooperation between the two actors.

Yes, the police. In particular art. 3 paragraph 3 JMD 4000/4/32-xii, 4.9.2006 stipulates that: The deletion from the National List of Undesirable Aliens may take place before the time stated in the Registration Decision, except from the cases where the registration has taken place by virtue of a judicial deportation on grounds of national or public interest or in implementation of the international obligations of the state or if requested by the concerned alien only for humanitarian reasons, as follows:

- By decision of the Head of Security and Order Department of the Hellenic Police Headquarters, where the registration was made on the grounds referred to in subparagraphs b and c of paragraph 1 of Article 1. (ie, due to revocation or cancellation of the administrative decision on expulsion by virtue of which the registration was made or because of a decision of the Minister of Justice, authorizing the return to his country, in accordance with Articles 74 or 99 of the Penal Code and for as long as specified in the judgment).
- By decision of the Director of the Immigration Department of the Greek Police Headquarters, where the registration was made by virtue of an administrative decision on expulsion

Every case is automatically reviewed every three years, (art. 26 and 38 par. 1 N. 3907/2011)". The application to revoke or suspend an entry ban is submitted by the Greek consular authorities of the place of residence of the person concerned. (art. 38 παρ. 2 N. 3907/2011)".

SECTION 3.3 COOPERATION BETWEEN MEMBER STATES

Q10. Does your Member State enter an alert into the SIS when an entry ban has been imposed on a third-country national? (e.g. see Article 24 (3) of Regulation No 1987/2006 – SIS)? (Yes/No)

Please specify whether;

- Alerts are entered into the SIS as standard practice
- Alerts are entered into the SIS on a regular basis
- Alerts are entered into the SIS on a case-by-case basis

- Yes
- No
- No

Q11a. Does your Member State share information on the use of entry bans with other Member States? (Yes/No)

- | | |
|--|----------|
| a) Your Member State exchanges information as a standard practice | Yes / No |
| b) Your Member State exchanges information on a regular basis | Yes / No |
| c) Your Member State exchanges information on a case-by-case basis | Yes / No |

- Yes
- No
- No

Q11b. What type of information is shared with other Member States? Please indicate whether any or all of the following types of information are shared:

- Number of entry bans imposed (Yes/No)
- Identity of the individuals who have been imposed an entry bans (Yes/No)
- Reasons for imposing the entry bans (Yes/No)
- Decision to withdraw an entry ban and reasons for this (Yes/No)

- e) Decision to suspend an entry ban and reasons for this (Yes/No)
- f) Any other information (please specify)

- a) Yes
- b) Yes
- c) Yes
- d) Yes
- e) Yes

Q11c. How is information shared with other Member States? Please provide an overview of the existing mechanisms to share information (e.g. via the Schengen Information System, bilateral exchange of information either face-to-face, over the telephone, via e-mail, other?)

Through the Schengen Information System and bilateral exchange of information

Q12a. Article 11 (4) stipulates that “where a Member State is considering issuing a residence permit or other authorisation offering a right to stay to a third-country national who is the subject of an entry ban issued by another Member State, it shall first consult the Member State having issued the entry ban and shall take account of its interests in accordance with Article 25 of the Convention implementing the Schengen Agreement”. Please describe the processes how these consultations take place; indicate which authorities are involved as well as the method of consultation.

Pursuant to article 25 of the Convention Implementing the Schengen Agreement, the reasons for the registration are either sent or requested. The authorities involved are the National Office SIRENE of the International Police Cooperation Department of the Hellenic Police Headquarters, the Aliens Department of the Hellenic Police Headquarters and the Decentralized Administration of the local Regions.

Q12b. Has your Member State ever issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State? (Yes/No); If yes, please indicate the number of residence permits issued to third-country nationals in these circumstances.

Yes. However, the number of residence permits is not available, as the computerized system does not hold data on these cases.

Q12c. In case your Member State has issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State, please specify the circumstances based on which such decisions were taken.

For humanitarian reasons.

SECTION 3.4 EFFECTIVENESS OF ENTRY BANS

Q13. Has your Member State conducted any evaluations of the effectiveness of entry bans? (Yes/No) If yes, please provide any results pertaining to the issues listed in the table 3.5 below. The full bibliographical references of the evaluations can be included in an Annex to the national report.

3.5: Entry ban's effectiveness

Aspects of the effectiveness of entry bans	Explored in national evaluations (Y/N)	Main findings
Contribute to preventing re-entry	No	
Contribute to ensuring compliance with voluntary return ¹³	No	
Cost-effectiveness of entry bans	No	
Other aspects of effectiveness (please specify)	No	

Q14. The following indicators have been developed in order to measure the effectiveness of entry bans as a means for enhancing the ability of (Member) States to carry out sustainable returns, or provide proxy measures of their effectiveness. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years. The statistics should be provided as a total number from January 1st until December 31st of each year.

Table 3.6: National statistics on entry bans

Indicators (Refer to 12 month period, if possible data should be disaggregated by category of third-country national)	Y/N	2009	2010	2011	2012	2013
Number of entry bans imposed		88902	107734	105417	85941	52619
Number of decisions to withdraw an entry ban		*1605 **38761	*1227 **53072	*2286 **42741	*3073 **59608	*2868 **91831
Number of decisions to suspend an entry ban		The current computerized system does not differentiate between withdrawal and suspension of entry bans.				
Number of persons who are the subject of an entry ban who have been re-apprehended inside the territory (not at the border)		824	970	806	517	150
Proportion of persons issued an entry ban who have returned voluntarily – out of the total number of persons that were issued an entry ban		The current computerized system does not provide data for voluntary returns.				
Proportion of persons who were						

¹³ i.e. to what extent does the graduated approach (withdrawal or suspension of the entry ban) contribute to encouraging third-country nationals to return voluntarily?

not issued an entry ban who have returned voluntarily – out of the total number of persons that were imposed a return decision		
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*Number of **withdrawal** of entry bans that were withdrawn within the year they were imposed

** Number of **withdrawal** of entry bans that were withdrawn in the year mentioned, irrespective of the year they were imposed

Q15. Please indicate whether your Member State has encountered any of the following challenges in the implementation of entry bans and briefly explain how they affect the ability of entry bans to contribute to effective returns.

Table 3.7: Practical challenges for the implementation of entry bans

Challenges associated with entry bans	Y/N	Reasons
It is difficult to ensure compliance with entry bans on the part of the third-country national concerned	Yes	Lack of information as to the time of imposition of an entry ban
It is difficult to monitor compliance with entry bans	Yes	Communication of software systems
It is difficult to secure the cooperation of other MS in the implementation of entry bans ¹⁴	Yes	Lack of a common system
It is difficult to secure the cooperation of the country of origin in the implementation of entry bans	Yes	
Other challenges (please specify and add rows as necessary)		

Q16. Please describe any examples of good practice in your (Member) State's implementation of entry bans, identifying as far as possible the reasons why the practice in question is considered successful. *In the synthesis report, these good practices will be compared and those which appear most transferrable to other Member States will be highlighted.*

There are no available examples of good practice in the implementation of entry bans

Section 4. Readmission agreements¹⁵ (maximum 10 pages)

This section investigates the practical application of EU and separate bi-lateral readmission agreements of EU Member States with third countries. In particular, it attempts to ascertain how frequently EU and bi-lateral readmission agreements are used, any practical challenges Member States have experienced when carrying out return on the basis of readmission agreements and to what extent readmission agreements have been effective in ensuring the removal of irregular third-country nationals.

Introduction

Greece has concluded bilateral readmission agreements with Switzerland¹⁶ (L. 3726/2008), Bosnia and Herzegovina¹⁷ (L. 3547/2007), Hungary¹⁸ (L.3321/05), Turkey¹⁹ (L. 3030/02), France²⁰ (L.2917/01), Lithuania²¹ (L.

¹⁴ This could for example relate to problems in the use of the Schengen Information System, and/or the lack of a common system.

¹⁵ Please note that this Section only concerns readmission agreements with third countries and that any other readmission agreements with EEA countries are outside the scope.

¹⁶ Agreement and implementing protocol of 28.8.2006. Entry into force: 17.12.2008

2911/01), Italy²² (L.2875/00), Latvia²³ (L. 2861/00), Bulgaria²⁴ (L.2406/96), Poland²⁵ (L.2384/96), Slovenia²⁶ (L.2353/95) Croatia²⁷ (L. 2350/95), Romania²⁸ (L. 2301/93). All of the agreements have entered into force (see footnotes). For the text of the bilateral agreements and implementing protocols please refer to Annex A.

In 2010, Greece and Turkey signed joint statements for cooperation, in order to enhance the aforementioned implementing protocol on readmission of 2001. According to data provided by the Greek authorities to UNHCR in 2008²⁹, 230 readmissions³⁰ from Greece to Turkey were conducted in 2008 **based on the implementing protocol of 2001** between the two countries. During the first semester of 2009, 108 persons were returned from Greece to Turkey based on the same protocol³¹. There are no recent or specific data on returns based on readmission agreements. The Hellenic Police provides only the number of persons returned per year without specifying the legal basis or providing any details.

EU Readmission Agreements (EURAs)

EU has concluded readmission agreements³² (EURAs) with [Georgia](#) (21/11/2010), with the Islamic Republic of [Pakistan](#) (26/10/2009), with the Republic of [Moldova](#) (10/10/2007), with [Bosnia and Herzegovina](#) (18/09/2007), with the former [Yugoslav Republic of Macedonia](#) (18/09/2007), with [the Republic of Montenegro](#) (18/09/2007), with [the Republic of Serbia](#) (18/09/2007), with [Ukraine](#) (18/06/2007), with the [Russian Federation](#) (25/05/2006), with [Albania](#) (14/04/2005), with the Democratic Socialist Republic of [Sri Lanka](#) (04/06/2004), with the [Macao Special Administrative Region of the People's Republic of China](#) (13/10/2003) and the Government of the [Hong Kong Special Administrative Region of the People's Republic of China](#) (27/11/2002).

Moreover, in 2012 EU-Turkey readmission agreement was initiated³³. According to a statement of the former Minister of Public Order, the implementing protocol of 2001 between Greece and Turkey is applied during the interim period of 3 years provided for in the EU-Turkey readmission agreement³⁴.

¹⁷ Agreement and implementing protocol of 09.02.2006. Entry into force: 20.03.2007

¹⁸ Agreement and implementing protocol of 29.01.2003. Entry into force: 01.03.2005

¹⁹ The Agreement was signed in 25.06.2001, ratified by L. 2926/2001 and entered into force in 27.06.2001. The implementing Protocol was signed in 08.11.2001, ratified by L. 3030/2002 and entered into force in 05.08.2002.

²⁰ Agreement of 01.06.2001. Entry into force: 11.06.2001

²¹ Agreement and implementing protocol of 01.07.1999. Entry into force: 09.05.2001

²² Agreement and implementing protocol of 30.4.99. Entry into force: 01.02.2001. On push backs from Italy to Greece allegedly based on the readmission agreement see also Submission by the United Nations Special Rapporteur on the human rights of migrants pursuant to Article 46.2 of the European Convention on Human rights, of his reports on his visits to Italy (A/HRC/23/46/Add.3) and Greece (A/HRC/23/46/Add.4) for consideration by the Committee of Ministers in the cases of "Hirsi Jamaa v. Italy" and the group of cases of "M.S.S. v. Greece" (12/07/13) available at

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2401555&SecMode=1&DocId=2082246&Usage=2>

²³ Agreement and implementing protocol of 17.03.1999. Entry into force: 16.11.2000

²⁴ Agreement and implementing protocol of 15.12.1995. Entry into force: 04.06.1996

²⁵ Agreement and implementing protocol of 06.03.1996. Entry into force: 07.03.1996

²⁶ Agreement and implementing protocol of 06.11.1995. Entry into force: 06.11.1995.

²⁷ Agreement of 10.03.1995. Entry into force: 14.03.1996

²⁸ Agreement of 11.04.1995. Entry into force: 12.04.1995

²⁹ UNHCR, Observations on Greece as a country of asylum, 2009 <http://www.refworld.org/docid/4b4b3fc82.html>

³⁰ 202 citizens of Iran, 15 citizens of Turkey, 11 citizens of Georgia, 2 citizens of Iran

³¹ 82 citizens of Iraq, 22 citizens of Turkey, 3 citizens of Iran and 1 citizen of Syria

³² On EU Readmission Agreements (EURAs) see http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/eu_readmission_agreements_en.pdf and on the evaluation of EURAs see http://ec.europa.eu/dgs/home-affairs/news/intro/docs/comm_pdf_com_2011_0076_f_en_communication.pdf

³³ http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2012/20120621_01_en.htm

³⁴ Press release of the Ministry of Public Order, February 7, 2011 (in Greek) http://www.minocp.gov.gr/index.php?option=ozo_content&perform=view&id=3456&Itemid=462&lang=

Greece has signed an implementing Protocol of the EU-Serbia readmission agreement with the Republic of Serbia on September 11, 2013³⁵ (not ratified yet) and the implementing protocol of the EU-Russia readmission agreement with Russia on December 18, 2012³⁶. Although according to Greece's Annual Policy Report of 2012 to the European Migration Network (EMN), implementing protocols with other countries (Bosnia-Herzegovina, Moldova and Albania) were under consideration by the Greek Ministry of Foreign Affairs, no further development seems to have occurred in this field.

Additionally, according to the aforementioned Report "in order to improve cooperation with the Pakistani authorities and save time required for signing the Bilateral Implementing Protocol, the respective EU-Pakistan Agreement is being directly implemented by the Greek part, in parallel with the procedure for identification and supply with travel documents carried out by the Aliens Directorate of Attica, as the responsible Authority, in cooperation with the Embassy of Pakistan in Greece"³⁷.

Apart from bilateral agreements and the EURAs, Greece has also ratified EU Stabilization and Association Agreements (SAA) with several countries that include provisions on readmission (e.g. SAA with Albania - L. 3744/2009).

SECTION 4.1 INSTITUTIONAL SET-UP

Q17. Which authority is responsible for making applications for readmission to third countries in individual cases of forced and or voluntary return?

The police authorities are the responsible authorities. In particular:

For the EU Readmission Agreement with Pakistan competent authority is the Aliens Division of Attica.

For the EU Readmission Agreement with Georgia the competent authorities are Aliens Divisions of Attica and Thessaloniki.

For the Bilateral Readmission Protocol between Greece and Turkey the competent authority is the Aliens Department of the Hellenic Police Headquarters.

SECTION 4.2 EU READMISSION AGREEMENTS

Q18. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of **EU readmission agreements**. In Table 4.1 you are required to provide statistics on the total number of all readmission applications made based on EURAs. In table 4.2, 4.3 and 4.4 you are required to only provide statistics for the three third countries to which most readmission applications are made. These statistics are to be provided separately for each third country by filling out table 4.1, 4.2 and 4.3 below. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons.

Table 4.1: National Statistics on the total number of readmission applications under EU Readmission Agreements

	Total number of readmission applications made based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	32	415	2166	-	-	28	523
Own nationals	-	-	-	-	-	-	-	-

³⁵ <http://en.ria.ru/russia/20121218/178247086.html> and <http://www.mfa.gr/serbia/presveia/news/ypographe-protokollou-epharmoges-tes-sumphonias-epaneisdokhes-ee-serbias-apo-ton-serbo-prothupourgo-ivica-dacic-kai-ton-upourgo-demosias-taxeos-kai-prostasias-tou-polite-nikolao-dendia-deloseis-tupou.html>

³⁶ EMN Greece Annual Policy Report 2012, p. 17 http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/annual-policy/2012/11a.greece_annual_policy_report_2012_en_version_en.pdf

³⁷ EMN Greece Annual Policy Report 2012, p. 17

Third-country nationals (including stateless persons)	-	32	415	2166	-	-	28	523
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Table 4.2: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 1 (specify the concerned third country)

	Number of readmission applications made to third country 1 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	32	198	195	-	-	-	16
Own nationals	-	-	-	-	-	-	-	-
Third-country nationals (including stateless persons)	-	32	198	195	-	-	-	16

Table 4.3: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 2 (specify the concerned third country)

	Number of readmission applications made to third country 2 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	-	217	1971	-	-	28	507
Own nationals	-	-	-	-	-	-	-	-
Third-country nationals (including stateless persons)	-	-	217	1971	-	-	28	507

Table 4.4: National Statistics on the number of returns under EU Readmission Agreement to third country 3 (specify the concerned third country)

No data available.

	Number of readmission applications made to third country 3 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers								
Own nationals								
Third-country nationals (including stateless persons)								

Q19. Has your (Member) State experienced any practical obstacles when implementing EU Readmission Agreements? Please answer this question by filling in the table below. Please specify in your answer whether

problems are of a general nature and/or only experienced in relation to certain third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

Table 4.4 Practical obstacles for the implementation of EU Readmission Agreements

Practical obstacles associated with EU readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	Yes	The most problematic implementation concerns the EU Readmission Agreement with Pakistan. The competent authorities do not respect the designated deadlines. They are clearly and openly biased against returns undertaken by the Police. They do not issue travel documents to individuals deemed by the competent authorities as dangerous to public order and security. They do not issue travel documents to individuals who wish to return to their country, under Programmes implemented by the Police.
Countries do not respect the deadlines	Yes	Only in the case of Pakistan. The competent greek authorities have sent 2500 requests since the end of 2012 and the first responses came only at the end of 2013 (the deadline for response is maximum 60 days).
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	Yes	In the case of Pakistan
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	No	There are no cases of stateless persons
Countries do not issue travel document to enable readmission/return	Yes	Affirmative in the case of Pakistan
Gaps in own (Member) State's administrative capacity to implement readmission agreement	Yes	The application mentioned in article 8 par. 2 of the EURA has not been set in motion. Greece has not designated a RLO – Return Liaison Officer, practice that is applied effectively albeit fragmentarily by member states.
Gaps in the EU administrative capacity	Yes	Although the obstacles that Greece faces in the implementation of the EURA are known, the European Commission has yet convoke the Mixed Committee, notwithstanding the constant delays of the competent Authorities from Pakistan.
Other obstacles (please add columns as necessary)		

Q20. Has your (Member) State conducted any evaluations of the effectiveness of EU and/or its bilateral readmission agreements?

(Yes/No) If yes, what issues have the evaluations covered? Please provide any results pertaining to:

Table 4.5 Findings of the evaluations of EU Readmission Agreements carried out by your MS (if applicable)

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	Yes	EURA – Georgia: 93,81% EURA – Pakistan: 70,66% ³⁸ Readmission Protocol with Turkey: 10,03%
Rates of issue of L.P. from the positive answers on recognition	Yes	EURA – Georgia: 77,13% EURA – Pakistan: 19,96% Readmission Protocol with Turkey: The issue of LP is not envisaged
Average of response of the other contracting state	Yes	EURA – Georgia: 6-7 days EURA – Pakistan: over a year Readmission Protocol with Turkey: one month

Q21. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of EU and bilateral readmission agreements. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years

Table 4.6: Indicators measuring the effectiveness of EU Readmission Agreements

Indicators (refer to 12 month period, if possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	TUR:16.123	TUR:10.198	GEO:26 TUR:18.758	GEO:124 PAK:217 TUR:20.464	GEO:125 PAK:1968 TUR:3.741
Number of readmission applications that received a positive reply	TUR: 974	TUR: 1.457	GEO:22 TUR: 1.552	GEO:120 PAK:0 TUR: 823	GEO:116 PAK:217 TUR:370
Number of requests for travel documents in the context of a readmission application	TUR: 0	TUR: 0	GEO:26 TUR: 0	GEO:124 PAK:217 TUR: 0	GEO:125 PAK:1968 TUR: 0
Number of travel documents issued by third country after the positive reply	TUR: 0	TUR: 0	GEO:16	GEO:91	GEO:91

³⁸ The result concerns the requests sent from 29-10-2012 to 17-03-2014. The Greek authorities have sent during the aforementioned period totally 2.571 requests, however a response was given only for 1.694 which cover the period from 29-10-2012 to 09-12-2013. The rate of recognition concerns positive responses from the total of 1.694 responses.

			TUR: 0	PAK:0 TUR: 0	PAK:29 ³⁹ TUR: 0
Number of persons who were effectively returned	TUR: 283	TUR: 501	GEO:18 TUR: 730	GEO:89 PAK:0 TUR: 113	GEO:82 PAK:29 TUR: 35

Q22. Please provide an assessment of the added value of the EU Readmission Agreements in facilitating the effective returns in comparison with the period before the EU Readmission Agreements were concluded.

The EURA with Georgia is considered particularly effective, due to the flexible system of the readmission procedure, which takes place exclusively through electronic means (for the time being through e-mail and in the near future through the establishment of an electronic database in a secure internet site, accessible by the points of contact with security keys), the rapid response of the Georgian Authorities and the rapid response of the Georgian diplomatic representation in Greece regarding the issue of travel documents or interview if required. It is mentioned indicatively that for the period 2009-2011, before the implementation of the Agreement, travel documents for their readmission were issued only for 36% of the persons transferred to the Georgian Embassy for data identification, rate quite small in comparison to the respective rate of recognition after the implementation of the EURA with Georgia.

The EURA with Pakistan is particularly problematic, due to the lack of response of the Pakistani Authorities or their lack of response within the designated by the Agreement deadlines. Numerous obstacles are created by the diplomatic representation of Pakistan in Greece, which has stated that it has lost 1.343 applications or refused/challenged the positive response of the Authorities from Pakistan to Greek requests. It is mentioned indicatively that for the period 2009-2011, before the implementation of the EU Readmission Agreement with Pakistan, travel documents for their readmission were issued for 39% of the persons transferred to the Embassy of Pakistan for data identification, higher than the issue rate of travel documents set by the EURA.

SECTION 4.3 SEPARATE BILATERAL READMISSION AGREEMENTS

Q23. Does your Member State have any separate bilateral readmission agreements in place with third countries? (Yes/No) If yes, please indicate the number of agreements, the third countries concerned, the date of the agreement, and the date of its entry into force

Yes, with a) Turkey. Law 3030/2002 (OG A' 163/15.7.2002) "Ratification of the Protocol implementing article 8 of the Agreement between the Government of the Hellenic Republic and the Government of the Republic of Turkey to combat crime, particularly terrorism, organized crime, illegal transfer of drugs and

³⁹ Regarding the number of travel documents issued exclusively on the basis of a rational implementation of the RA. More generally, the tactic of the Embassy is the direct challenge of the accepted responses from the Pakistani Authorities and on this basis it requested the conduct of an interview for all Pakistanis, in violation of the RA. Other statistics concerning the issue of travel documents are the result of an interview and not complete and correct implementation of the RA.

illegal migration”.

b) Bosnia-Herzegovina (Law 3547/2007, OG A’ 67/20.3.2007),

c) Switzerland (Law 3726/2008, OG A’256/17.12.2008),

Q24. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of separate **bilateral readmission agreements**. Please only provide such statistics for the three third countries to which most readmission applications are made. The statistics are to be provided separately for each third country by filling out tables 4.7, 4.8, and 4.9. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons. If there have been any instances of voluntary return under the separate bilateral readmission agreements, please indicate this in the last column of the tables:

Table 4.7: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 1 (specify the country concerned).

Bilateral readmission protocol with Turkey

	Number of readmission applications made to third country 1 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	10.198	18.758	20.464	3.741	-	-	-	-
Own nationals	-	-	-	-	-	-	-	-
Third-country nationals (including stateless persons)	10.198	18.758	20.464	3.741	-	-	-	-

Table 4.8: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (specify the country concerned). Not applicable⁴⁰

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (specify the country concerned).	Number of readmission applications made to third country 2 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers								
Own nationals								
Third-country nationals (including stateless persons)								

⁴⁰ Greece has concluded bilateral readmission agreements with several countries, however only the Readmission Protocol with Turkey (2002) functions effectively and is included in the relevant statistics

Table 4.9: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3 (specify the country concerned). Not applicable⁴¹

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3 (specify the country concerned).	Number of readmission applications made to third country 3 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers								
Own nationals								
Third-country nationals (including stateless persons)								

Q25. Please indicate the most common problems encountered in the implementation of separate bilateral readmission agreements by filling in the table 4.10 below. Please indicate whether problems are of general nature or whether these are only experienced in relation to specific third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

Table 4.10: Practical obstacles experienced under separate bilateral readmission agreements

Practical obstacles associated with separate bilateral readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	Yes	Turkey does not respect the designated deadlines of response to the readmission requests.
Countries do not respect the deadlines	Yes	If affirmative, they answer with considerable delay.
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	Yes	Applicable in the case of Turkey
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	No	No cases of stateless persons have been recorded
Countries do not issue travel document to enable readmission/return	Yes	Issuing travel documents so that readmission can take place is not provided for.
Gaps in own (Member) State's administrative capacity to implement readmission agreement	Yes	Greece has not designated an ILO – Immigration Liaison Officer, practice that is implemented effectively, albeit fragmentarily, by member states.
Other obstacles (please add columns as necessary)		Selective responses (they mainly accept nationals)

⁴¹ See footnote 40

		<p>from Iraq and Iran) from groups of non legal migrants that have entered at the same time with the same travel means and with the help of the same person.</p> <p>They require the deposit of 71,00 euros for each third country national they receive.</p> <p>They submit ill-founded readmission requests mainly at the sea border for supposedly illegal refoulements of the Hellenic Coastguard, whereas in reality there exist no operations of search and rescue with the cooperation of the Turkish Coastguard.</p>
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Q26. Does any of the separate bilateral readmission agreements signed by your (Member) State include an article encouraging both Parties to promote the use of voluntary return? If yes, please indicate with which countries these agreements have been signed. If no, please confirm whether the agreements focus exclusively on readmission cases involving forced returns.

It is not clarified in the text of the Agreement

Q27. Does your Member State prefer to use separate bilateral readmission agreements instead of EU Readmission agreements with particular third countries? (Yes/No) If yes, please indicate with which third countries and the reasons for this.

No, a comprehensive European resolution of the readmission procedure is preferred.

Q28. Has your (Member) State conducted any evaluations of the effectiveness of separate bi-lateral readmission agreements?

(Yes/No) If yes, what issues have the evaluations covered? Please provide any results pertaining to:

Table 4.11: Evaluations on separate bilateral readmission agreements

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	No, 10,03%	<p>The procedure of readmission followed for third country nationals coming from the Turkish territory, is on the basis of the Readmission Protocol concluded between Greece and Turkey.</p> <p>However, the Readmission Protocol with Turkey is not implemented correctly, if we take into consideration that since its first implementation in April 2002, until 31 December 2013, Greek authorities have submitted to Turkey 5.860 readmission requests concerning 125.742 third country nationals. Out of these, Turkey accepted to receive only 12.618. In practice, only 3.832 were readmitted due to the delayed responses of Turkey, which did not respect the deadlines provided for in the Protocol.</p> <p>It is to be noted that 2013, despite the meetings that have taken place between Experts of the two countries, has been the sole year with a negative balance regarding the number of requests that have been submitted by the Greek side and the response and acceptance by the Turkish Authorities.</p>
Other (please indicate and add rows as necessary)		

Q29. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of separate bilateral readmission agreements. Please provide the statistics for the three third countries to which most readmission applications are made on the basis of such agreements – these should be provided in a separate table for each of the third countries concerned (third country 1 in table 4.12; third country 2 in table 4.13; and third country 3 in table 4.14). If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years.

Table 4.12: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 1 (specify the country concerned) Turkey

Indicators (Refer to 12 month period for readmission applications made to third country 1. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	16.123	10.198	18.758	20.464	3.741
Number of readmission applications that received a positive reply	974	1.457	1.552	823	370
Number of requests for travel documents in the context of a readmission application	0	0	0	0	0
Number of travel documents issued by third country after the positive reply	0	0	0	0	0
Number of persons who were effectively returned	283	501	730	113	35

Table 4.13: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 2 (specify the country concerned) Not applicable⁴²

Indicators (Refer to 12 month period for readmission applications made to third country 2. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent					
Number of readmission applications that received a positive reply					
Number of requests for travel documents in the context of a readmission application					
Number of travel documents issued by third					

⁴² See footnote 40

country after the positive reply					
Number of persons who were effectively returned					

Table 4.14: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 3 (specify the country concerned) Not applicable

Indicators (Refer to 12 month period for readmission applications made to third country 3. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent					
Number of readmission applications that received a positive reply					
Number of requests for travel documents in the context of a readmission application					
Number of travel documents issued by third country after the positive reply					
Number of persons who were effectively returned					

Q30. Please provide an assessment of the added value of the separate bilateral readmission agreements in facilitating effective returns in comparison with the period before the separate bilateral readmission agreements were concluded. Please only provide this assessment for the separate bilateral readmission agreements conducted with the three third countries to which most readmission applications are made.

The procedure of readmission is followed for third country nationals illegally entering Greece from the Turkish territory, on the basis of the Readmission Protocol concluded between Greece and Turkey. However, the Readmission Protocol with Turkey is not implemented correctly, if we take into consideration that since its first implementation in April 2002, and until 31 December 2013, Greek authorities have submitted to Turkey 5.860 readmission requests concerning 125.742 third country nationals. Out of this number, Turkey accepted to receive only 12.618. In practice, only 3.832 were readmitted due to the delayed response of Turkey, not respecting the deadlines provided for in the Protocol.

It is to be noted that 2013, despite the meetings that have taken place between Experts of the two countries, has been the only year with a negative balance regarding the number of requests that have been submitted by the Greek side and the response and acceptance by the Turkish Authorities.

Section 5. Entry bans and readmission agreements: understanding the synergies with reintegration assistance (maximum 3 pages)

In view of the important role that reintegration assistance can play in ensuring the sustainability of returns, this section examines the dependencies that might exist between entry bans and readmission agreements, on the one hand, and reintegration assistance, on the other hand; it also explores the extent to which decision-makers in charge of issuing entry bans and making readmission applications cooperate with the officials in charge of granting / administering reintegration assistance. The answers to these questions will be used in the Synthesis Report to determine whether greater cooperation between the relevant authorities would lead to better outcomes for sustainable return.

Q31. Do the authorities in charge of imposing an entry ban subsequently consult with and/or inform the authorities in the concerned third country to which the individual is to be returned? If yes, at which stage in the process of imposing an entry ban is the third country consulted/informed? And if yes, do third countries subsequently impose travel bans on third-country nationals who were imposed an entry ban?

When a third country national is arrested, the Consulate of their country in Greece is informed. If the third country national does not hold a travel document, he/she is brought to the Consulate of his/her country in Greece for interview and identification purposes, so that they can proceed to the issue of a travel document. Greek authorities are not informed, whether third countries subsequently impose travel bans on third-country nationals who were imposed an entry ban.

Q32. Is it possible in your (Member) State for returnees who have been the subject of an entry ban to apply for re-integration assistance? (Yes/No) If yes, please indicate in which circumstances.

No.

Q33. (If answered yes to question 32), are the competent authorities involved in making decisions about the use of entry bans and granting of re-integration assistance the same? Yes/No.

Q34. (If answered yes to question 33), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

Q35. (If answered no to question 34), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

We have no data as to the regularity of relevant consultations.

Q36. Does your (Member) State offer re-integration assistance to returnees who have been removed on the basis of a readmission agreement? Yes/ No. If yes, please indicate in which circumstances.

No.

Q37. (If answered yes to question 36), are the competent authorities involved in making readmission applications and granting re-integration assistance the same? Yes/No.

Q38. (If answered no to question 37), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

Q.39 (If answered no to question 38), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

We have no data as to the regularity of relevant consultations

Section 6. Statistics

Contextual statistics on number of returns, etc. may be added to this section (besides the specific statistics requested in the body of the report to populate the effectiveness indicators). The statistics-working group will also be consulted about this possibility.

Administration – Removal:

Identification:

Until all required administrative procedures for the repatriation of third country nationals by the authorities of the Ministry of the Protection of the Citizen and Public Order are concluded, they are detained for as long as it is required, always in accordance with the relevant Hellenic legislation, The Hellenic Police through its existing agencies promotes in the best possible way the policy of enforced and voluntary returns of third country nationals to their countries of origin.

Difficulties in the identification of the state of origin of third country nationals are addressed in a satisfactory way.

Challenges continue to emerge, however, due to the absence of a satisfactory level of cooperation with the countries of origin of third country nationals in the identification of their nationality, delays in the timely issue of travel documents and non recognition of L.P. issued for the deportation that do not hold travel documents, in accordance with European standards.

A coordinated effort for achieving this aim is taking place recently through the constant cooperation of the Hellenic Police with the Ministry of Foreign Affairs. There is feedback of the competent Directorates of the MFA on a regular basis with the results of the cooperation of the Police with the foreign Embassies in Greece, while in case of obstacles and dysfunctions the MFA intervenes to search for a solution if this is possible.

This effort will continue in 2014 with the aim to become self-sufficient in this sector (*screening*), according to European standards.

In particular:

Deportation – Readmission:

Program (ATTICA) of FRONTEX is implemented aiming at improving the country's capacity to repatriate speedily irregular migrants apprehended in our country, as well as a series of actions and trainings for the improvement of our effectiveness in the management of irregular migration.

Return flights are organized, while a cooperation mechanism with third country Consulates has been established for the rapid identification of the nationality of illegal migrants and the issue of travel documents for their return.

Deportation difficulties have been identified mainly for irregular migrants from Afghanistan, Algeria, Bangladesh, Iraq, Iran, Morocco Pakistan and Somalia

In the following table we provide the main nationalities of third country nationals deported in 2013:

COUNTRIES	TOTAL NUMBERS 26.186
ALBANIA	6967
PAKISTAN	4833
BANLGADESH	1364
AFGHANISTAN	737
GEORGIA	497
BULGARIA	492
IRAQ	426

ALGERIA	404
MOROCCO	315
CHINA	310

The procedure for readmission is followed for irregular migrants coming from the territory of Turkey, on the basis of the Readmission Protocol signed between Greece and Turkey.

However, as already mentioned the Readmission Protocol with Turkey is not properly implemented, whereas it is to be noted that 2013, has been the only year with a negative balance regarding the number of requests that have been submitted by the Greek side and the response and acceptance by the Turkish Authorities.

Returns:

The process of return is followed successfully mostly only for Albanian nationals apprehended at our external borders.

From the data recorded for the year 2013, 19.43% fewer illegal migrants were returned compared to 2012, as is shown below.

TABLE OF RETURNED MIGRANTS IN THE NORTHERN FRONTIER			
NATIONALITIES	YEAR 2011	YEAR 2012	PERCENTAGE CHANGE
ALBANIA	5.877	4.731	-19,50%
BULGARIA	1	0	-100,00%
GEORGIA	4	0	-100,00%
IRAQ	3	0	-100,00%
KOSOVO	2	0	-100,00%
FYROM	19	25	31,58%
SERBIA	0	3	300,00%
TURKEY	1	0	-100,00%
TOTAL	5.907	4.759	-19,43%

Voluntary returns:

The introduction of a new procedure on returns is one of the main pillars of our modern, efficient management of the migration phenomenon.

The voluntary return of third country nationals to their home countries is financed by the European Return Fund, which is managed by the Hellenic Police Headquarters as responsible Authority.

The voluntary repatriation of third-country nationals shall be organized whether by the Department of the Hellenic Police or through implementation of the relevant action by the International Organization for Migration (IOM)

It is worth noting that the number of assisted voluntary returns of illegal migrants from the Hellenic Police Services for 2009 was 473 people, in 2010 it reached 824 people, in 2011 1.847, in 2012 it increased to 4.236, while in 2013 it amounted to 648 people.

Regarding voluntary return actions assigned to the International Organization for Migration (IOM), the following phases have been completed successfully:

- Phases A and B (for the period from 25.05.2010 to 30.06.2011) during which the repatriation of 586 and 511 third country nationals respectively has taken place.
- the Phase C (for the period from 01.01.2012 to 30.06.2012) during which the repatriation of 3.276 third country nationals (such as Afghanistan, Iraq, Morocco, Pakistan, Bangladesh, Nigeria etc.) has taken place to their countries of origin in cooperation with the police authorities.
- the phase D (for the period from 01.07.2012 to 30.06.2013) during which the repatriation of 8.046 third country nationals has taken place.
- In addition, there is an ongoing Phase E (for the period from 01.07.2013 to 30.06.2014). During the period from 01/07/2013 to 31/12/2013 4.090 repatriations of third country nationals have taken place.

It is emphasized that in the abovementioned cases, the return decisions issued ,do not impose detention nor an entry ban (registration in the National List of undesirable aliens). It is noted that the above actions have been assigned to the International Organization for Migration (IOM), after a publication of a call for proposals and respective evaluation.

c. -Charter flights

The deportation of third country nationals to their countries of origin is implemented through charter flights in the framework of the effective management of illegal migration.

In particular, for 2013 the following charter flights have taken place:

RETURN OF THIRD COUNTRY NATIONALS – NATIONAL CHARTER FLIGHTS			
No	DATE	DESTINATION	NUMBER OF INDIVIDUALS
1.	29/30-01-2013	PAKISTAN	69
2.	20/21-02-2013	PAKISTAN	61
3.	13/14-03-2013	PAKISTAN	60
4.	14/15-05-2013	PAKISTAN	69
5.	09/10-10-2013	PAKISTAN	62
6.	30/31-10-2013	PAKISTAN	48
7.	13/14-11-2013	PAKISTAN	30
TOTAL			399

The European Return Fund has covered the cost.

d. - Common return flights through FRONTEX:

During 2013, our country participated to the following flights:

YEAR 2013				
No	Date of departure	Organizing country	Destination	Individuals
1.	30.1.2013	Austria	Nigeria	2
2.	7.2.2013	Italy	Nigeria	5
3.	13.2.2013	Austria	Georgia	2
4.	26.2.2013	Austria	Georgia	20
5.	11.4.2013	Austria	Nigeria	1
6.	24.4.2013	Spain	Pakistan	29
7.	20.6.2013	Italy	Nigeria	5
8.	19.9.2013	Italy	Nigeria	2
9.	20.11.2013	Austria	Nigeria	15
10.	22.11.2013	Spain	Pakistan	2
11.	27.11.2013	Bulgaria	Iraq	8
12.	29.11.2013	Spain	Georgia	1
13.	3.12.2013	Germany	Georgia	2
Total:				94

The aforementioned common European return operations were implemented under Action 3.2.1 of the EP 2012 “Joint activities with other member states” of the European Return Fund and the induced costs were borne with the financial support of the European Return Fund of Greece and the European Return Fund of the organizing country.

The coordination of these operations was undertaken by FRONTEX.

It should be noted that further efforts at the international level (through the Ministry of Foreign Affairs, but also through the Ministry of Citizen Protection in bilateral contacts) and the European Commission should be made regarding the enhancement of the Readmission Agreements so that third country nationals can be disengaged from the longstanding procedures that force them to remain in Greece.

A constant pursuit of the Greek side is the integration of Readmission Agreements in the matrix of EU external relations of the Union with a view to:

- (a) The immediate completion and signing of the agreements under negotiation,
- (b) The granting of new orders to the European Commission to enter into agreements with other major countries of origin and transit (Afghanistan, Iraq, Somalia, Eritrea, Myanmar, Bangladesh, Nigeria, Algeria, Tunisia and Morocco).

Section 7. Key findings/conclusions

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

Thus far, there is no assessment or evaluation of the return policy on migrants in Greece, although there are significant actions of forced return. The reason behind that is probably that such an endeavor would suffer from the lack of data especially on the sustainability of forced return⁴³.

In addition, there is a lack of legislation to encourage the voluntary return of migrants from Greece. The only relevant exception is the non - imposition of sanctions (arrest and registration in the list of undesirable aliens), in cases where a third country having entered illegally the territory, presents him/herself either to the borders crossing, or to the Hellenic Police or the International Organization of Migration in order to join a programme of voluntary return. Furthermore, during the arrest – and under conditions stated by the law - the Hellenic Police sets a deadline for voluntary departure, followed by non registration in the NLUA.

In this case the payment of the fine is not a condition for the lawful departure from the country. However, as a strictly national administrative measure, the payment of the fine is a prerequisite for any re-entry in the country, and can be avoided if the third country national enters through another Schengen country. Despite this provision, there is still not enough data on the number of people, either legal or illegal immigrants who voluntarily return to their states of origin, only statistics from the Hellenic Police and IOM for those that join a program of voluntary return.

Problems related to the forced return arise from the geopolitical position of the country which makes the return of migrants inefficient in the sense that many returnees can easily re-enter the country illegally. Also, another indicator is the lack of cooperation of the embassies in issuing travel documents.

More specifically, with respect to:

Entry bans

The imposition of an entry ban in Greece is regulated by a fairly concise legal framework that comprises Law 3907/2011 and 3386/2005, Joint Ministerial Decision (JMD) 4000/4/32-1β', 4.9.2006, in combination with the Convention Implementing the Schengen Agreement (Law 2514/1997). In many cases one has to consult the legal framework that regulates the procedures of deportation, since, as a general rule, if a deportation from the country is ordered by virtue of a judicial or administrative decision, an entry ban is also imposed.

Apart from the abovementioned case, an entry ban is imposed automatically in case the third country national has not complied with the obligation to return or no period for voluntary return is granted. Moreover, an entry ban is ordered, if the person concerned poses a risk to the public order, public safety or national security. This registration, which is done by the police, is followed by an entry in the Schengen Information System.

⁴³ See the relevant 2007 Report, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/return-migration/5b_gr_emn_ncp_return_country_study_final_sept2006gr_version_el.pdf

The decision of registration in the NLUA, as an individual administrative act, is subject to an appeal to the same administrative authority and then appeal to the administrative courts.

It should be emphasized that if an individual is not subject to deportation, he/she is equally not subject to registration in the National List of Undesirable Aliens (minors under conditions, elderly people, pregnant women etc.). Moreover, an entry ban is not imposed for humanitarian reasons, including, for instance, for victims of human trafficking and migrant smuggling⁴⁴. It is interesting that, according to the decision of the Council of State, the right to family life is not a sufficient reason to delete someone from the National List of Undesirable Aliens⁴⁵.

Moreover, if the deportee has been recognized as a refugee his/her name is deleted definitively from the National List of Undesirable Aliens, because the status of refugee is permanent. If he/she is an asylum seeker, he/she is deleted temporarily until his/her status is conclusively determined. Furthermore, deportation and as a consequence entry ban is not imposed in cases the complementary protection regime is granted⁴⁶ (for instance, Syria). Registration ceases ipso facto after the withdrawal or suspension of the administrative decision imposing the expulsion or suspension of the judgment imposing the expulsion⁴⁷.

For the time-being, Greece has not evaluated the effectiveness of entry bans and as a consequence no safe conclusions can be drawn on whether they contribute to prevention of re-entry, the respect of a voluntary return etc. nor particular practical challenges formulated regarding their implementation. In any case, from the existing statistical data, a remarkable decrease in the imposition of entry bans is noted during 2012-2013 in comparison with previous years.

Readmission Agreements

Greece has concluded bilateral readmission agreements with several countries, however only the Readmission Protocol with Turkey (2002) functions effectively (for illegal migrants coming from Turkey, especially since 2010 when the two countries decided its reinforcement with joint declarations of cooperation. Obstacles are related to the lack of respect for deadlines, the reluctance to cooperate regarding readmission applications of third country nationals, as opposed to its own nationals etc.

Comparing all EU Readmission Agreements, the Agreement with Georgia is implemented more effectively, while with Pakistan there are still serious dysfunctions.

Deportation

Difficulties on return are focused mainly on illegal migrants coming from Afghanistan, Iraq, Iran, Pakistan and Somalia . Albania and Pakistan are the two countries where most deportations have taken place during 2013.

Voluntary returns

Another important parameter is voluntary repatriation that is conducted either by the Hellenic Police or the International Organization for Migration. It is noteworthy that in all such cases, decisions on return are issued, without the sanctions of detention and without imposition of an entry ban.

⁴⁴ By virtue of an explicit provision in Law 3907/2011. See also *Greek Ombudsman*, Summary of mediation, «Deleting a victim of trafficking from the National List of Undesirable Aliens (NLUA) for humanitarian reasons, January 2006.

⁴⁵ Council of State, judgment no 715/2012. The applicant was registered in the National List of Undesirable Aliens, was entered in the Schengen Information System and he has been imposed with an entry ban for four years with the justification that he attempted to enter the country with a false passport. He was father of 3 minors, of whom he had exclusive custody, he had established stable bonds with Greece and was working as assistant in a private business. However, the Council of State, contrary to the Administrative Court of First Instance, did not accept the violation of article 8 par. 1 ECHR.

⁴⁶ On the basis of relevant EU Directives.

⁴⁷ See Advisory Opinion of the Prosecutor of the Supreme Court no 3040/05/Adv.2/10.2.2006

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