



AITIMA
NON-GOVERNMENTAL ORGANIZATION
TRIPOU 4-6, ATHENS 11741
www.aitima.gr
aitima@freemail.gr

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SUBJECT: Returns of asylum seekers from Germany to Greece

Two cases concerning the return of asylum seekers from Germany to Greece were brought to our attention lately.

More specifically, two Afghan nationals who had applied for asylum in Greece travelled irregularly to Germany, asked again for asylum there, were returned to Greece the following day and have been held in administrative detention since then.

The above return procedure is based on the bilateral "Administrative Arrangement" that was concluded between the two countries in August 2018.

However, according to European law and the national law of the two countries, applicable in the specific cases is the Regulation 604/2013/EU, also known as Dublin III, which was completely circumvented by both countries.

According to the above Regulation:

- Germany was obliged either to decide to examine the asylum request or to submit to Greece a take-back request and, if such request was accepted by the latter, to deliver a decision regarding the return of the applicants to Greece and notify them, in order to

ensure their right to effective remedy. None of these actions was taken and the applicants were returned the following day to Greece.

- Upon return of the asylum seekers, Greece was obliged to revoke the interrupting acts that had been adopted, to provide them with a special asylum seeker card and to continue the examination of the asylum requests. However, instead of these actions, the returned asylum seekers were held in administrative detention and are still being detained.

We consider that the above-mentioned circumvention of European law through a bilateral agreement is not only particularly problematic but it also jeopardizes the protection of the rights of asylum seekers. What is even more concerning is the fact that the specific practice forms part of a trend of circumventing European law through bilateral agreements, Joint Statements of the Heads of Member States of the EU (such as the EU-Turkey Joint Statement) as well as ad hoc arrangements.

We call the competent authorities to handle the cases of asylum seekers with due respect to the existing European and national legislation.