

## ***Press Release***

Greece deems Turkey “safe”, but refugees are not:

*The substantive examination of asylum applications is the only safe solution for refugees*

***Athens, 14 June 2021:*** With a new Joint Ministerial Decision (JMD) issued on 7 June,<sup>1</sup> the Greek State designates Turkey as a “safe third country” for families, men, women and children of five nationalities<sup>2</sup> seeking international protection in Greece. It is noted that the JMD applies even to those from countries with high recognition rates for international protection, such as Syria, Afghanistan and Somalia.<sup>3</sup> This decision reinforces the policy established by the March 2016 EU-Turkey Statement that shifts the responsibility to protect refugees, including unaccompanied children,<sup>4</sup> arriving in Europe to third countries.

For years, the effect of this externalisation policy has been to turn the Greek islands into a place of confinement for thousands of displaced and persecuted people, as authorities prioritised “containing” them on the islands to facilitate their return to third countries. This created places like Moria that became shameful symbols of Europe’s failure to protect refugees. But the solution is not to send displaced individuals to Turkey. In Turkey, people seeking asylum from non-European countries are not granted international protection per the 1951 Refugee Convention, while in March 2021 Turkey announced it would withdraw from the Istanbul Convention, and will thus not be protecting victims of gender-based violence, who are at an increased risk in case of return from Greece, based on the new JMD. People should not be returned to a country where their lives would be in danger, but multiple reports over recent years warn of the *refoulement* of refugees from Turkey, even to war zones in Syria.<sup>5</sup> Furthermore, the concept of a “safe third country” presupposes the existence of an essential connection between the asylum seeker and that country, as well as the consent of the third country to receive the returnee. These conditions are not met in the case of Turkey.

The decision to designate Turkey as a “safe third country”, should be revoked for the aforementioned reasons. Furthermore, the unworkability of this new law is highlighted, since as far back as March 2020, Turkey is not accepting the return of refugees and asylum seekers from Greece. This has been pointed out by Greece’s Ministry of Migration and Asylum as well as the European Commission.<sup>6</sup> Refugees whose applications have been rejected as inadmissible according to the “safe third country” principle, are already enduring a situation of protracted legal uncertainty, social exclusion, destitution, homelessness, and even prolonged detention in Greece, which is at risk of turning into a prison.<sup>7</sup> This JMD will serve only to increase the number of people in such a situation.

In fact, as has been pointed out in relevant interventions by the Greek Ombudsperson, and more recently in a reply by the Commissioner for Migration and Home Affairs of the European Commission,<sup>8</sup> in these cases applicants must be able to re-apply for asylum, and have their applications examined on their merits, in accordance with EU and national law.<sup>9</sup>

In line with a recent announcement by the UN High Commissioner for Refugees (UNHCR),<sup>10</sup> our organisations stress that “externalization simply shifts asylum responsibilities elsewhere and evades international obligations”. We once again call on the Greek and European authorities to honour their responsibility to protect refugees and to avoid further undermining the European asylum acquis and the fundamental principles and values for protecting human rights. To this end, we call on Greece to revoke the JMD issued on 7 June.

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### Signatories

Action for education  
ARSIS – Association for the Social Support of Youth  
Better Days  
Centre Diotima  
ECHO100PLUS  
ELIX  
Equal Rights Beyond Borders  
Europe Must Act  
European Lawyers in Lesvos (ELIL)  
Fenix - Humanitarian Legal Aid  
Greek Council for Refugees (GCR)  
Greek Forum of Migrants  
Greek Forum of Refugees (GFR)  
Greek Helsinki Monitor  
Hellenic League for Human Rights (HLHR)  
HumanRights360  
Human Rights Legal Project  
Initiative for the Detainees' Rights  
International Rescue Committee (IRC)  
INTERSOS  
INTERSOS Hellas  
Irida Women's Center  
Legal Centre Lesvos  
Lesvos Solidarity  
Lighthouse Relief  
Médecins du Monde - Greece  
METAdrasi- Action for Migration and Development  
Mobile Info Team (MIT)  
Network for Children's Rights  
Network for the Social Support of Refugees and Migrants  
Odyssea  
Refugees International  
Refugee Law Clinic Berlin  
Refugee Legal Support (RLS)  
Refugee Rights Europe (RRE)  
Refugee Support Aegean (RSA)  
Samos Volunteers  
SolidarityNow  
Still I Rise  
Terre des hommes Hellas

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<sup>1</sup> Joint Ministerial Decision (JMD) 42799/2021, Gov. Gazette 2425/B/7-6-2021, available in Greek at: <https://bit.ly/3gjEYcl>.

<sup>2</sup> The JMD applies to nationals of Afghanistan, Syria, Somalia, Bangladesh and Pakistan

<sup>3</sup> Indicatively, in 2020, the rate of positive decisions issued by the Greek Asylum Service (GAS) for asylum applicants from Somalia was 94.1%, from Syria 91.6% and from Afghanistan 66.2%. RSA, "Asylum statistics for

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2020 A need for regular and transparent official information”, 11 February 2021, available at: <https://bit.ly/3vcbC5K>.

<sup>4</sup> According to the latest available statistics issued by the National Center for Social Solidarity (EKKA), 68% of unaccompanied children that have been identified in Greece are from Syria, Afghanistan and Pakistan. Accordingly, and in any case, the implementation of the JMD is not in line with the principle of the best interests of the child and the protective provisions of the International Convention on the Rights of the Child. On the latest available statistics see EKKA, *Situation Update: Unaccompanied Children (UAC) in Greece*, 15 May 2021, available at: <https://bit.ly/3wcByPw>.

<sup>5</sup> Amongst others: EASO, *Syria Situation of returnees from abroad: Country of Origin Information*, June 2021, available at: <https://bit.ly/3weoZUn>, pp. 12-13; AIDA, *Country Report Turkey (May 2021 update)*, 31 May 2021, available at: <https://bit.ly/3gfnyzr>; DW, “Amnesty: Turkey forced Syrian refugees back into war zone”, 25 October 2019, available at: <https://bit.ly/3pAOpc3>; ECRE, “Human Rights Watch report: push backs of Syrian refugees by Turkey”, 30 March 2018, available at: <https://bit.ly/2T43XsK>; Human Rights Watch, “Turkey: Syrians Pushed Back at the Border”, 23 November 2015, available at: <https://bit.ly/3x2tPUA>.

<sup>6</sup> Amongst others: Ministry of Migration and Asylum, “Request by Greece towards the EU for the immediate return 1,450 third country nationals under the Joint EU-Turkey Statement”, 14 January 2021, available in Greek at: <https://bit.ly/3izPzmA>; European Commission, *Commission Staff Working Document: Turkey 2020 Report*, 6 October 2020, available at: <https://bit.ly/3xgt4aK>, p. 48.

<sup>7</sup> It is noted that the majority (65.8%) of international protection applications that were submitted in Greece in 2020 regarded asylum seekers from the 5 countries that are stated in the JMD. Ministry of Migration and Asylum, *Annual briefing 2020*, 19 January 2021, available in Greek at: <https://bit.ly/3wfCgfi>, p.13.

<sup>8</sup> EN P-000604/2021, Answer given by Ms Johansson on behalf of the European Commission (1.6.2021), διαθέσιμο στα αγγλικά στο: <https://bit.ly/3cuwEGb>.

<sup>9</sup> Article 38, para. 4 Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) and article 86, para. 5 L. 4636/2019 (also known as “IPA”).

<sup>10</sup> UNHCR, “UNHCR warns against “exporting” asylum, calls for responsibility sharing for refugees, not burden shifting”, 19 May 2021, available at: <https://bit.ly/3v7EgEN>.