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Due to COVID-19 restrictions, Turkey suspended returns from Greece in March 2020, despite repeated calls from Greece[1295] and the European Commission[1296] to resume returns under the EU-Turkey Statement. Consequently, the implementation of the safe third country concept *(see Section 4.3.2)* for readmissions to Turkey may leave asylum seekers in limbo, while detention in this context was heavily criticised by various stakeholders *(see Section 4.8)*.

This issue was specifically raised by the European Parliament as a priority question for written answer P-000604/2021 to the European Commission under rule 138.[1297] It was noted that Greek authorities were issuing voluntary departure decisions for Syrian nationals with a final decision rejecting their application as inadmissible as Turkey was considered to be a safe third country. These applicants are requested to depart from Greece within 10, 15 or 30 days, without examining their applications on their merits. However, due to the suspension of transfers to Turkey, it created a situation of refugees 'in orbit'. At the same time, material reception conditions were no longer provided to these rejected applicants. Consequently, the compatibility of this practice with the recast Asylum Procedures Directive, the ECHR and the EU Charter of Fundamental Rights was questioned.

In its answer given by Commissioner Johansson on behalf of the European Commission on 1 June 2021, the Commission noted that the recast Asylum Procedures Directive, Article 38(4) provides that "where the third country does not permit the applicant to enter its territory, Member States shall ensure that access to [an asylum] procedure is given".[1298] In line with that provision, an applicant whose application has been declared as inadmissible is therefore able to apply again, and thus, Greece will need to take into account the circumstances at the time of the re-examination, including the prospects of a return in line with the EU-Turkey Statement. In the meantime, applicants must have access to material reception conditions under the conditions set out under the EU Charter of Fundamental Rights and EU and national laws.

The European Commission confirmed that it is in close dialogue with the Greek authorities about this issue and that the EU remains committed to the full implementation of the EU-Turkey Statement as the main framework for cooperation on migration matters.

In an effort to follow up on existing practices, 12 MEPs submitted a question for written answer E-004131/2021 on the possibility of Syrians applying for asylum again and the European

Commission's measures to ensure access.[1299] Given the recognition of Turkey as a safe third country also for asylum seekers from Afghanistan, Pakistan, Bangladesh and Somalia, the European Commission was requested to ensure that applications will not be declared inadmissible under the false presumption that applicants can be readmitted to Turkey and to ensure Greece's compliance with the recast Asylum Procedures Directive. The Commissioner reaffirmed that, while inadmissible applicants cannot enter Turkey, Article 38(4) of the directive must be applied to provide access to the asylum procedure on the basis of their merits.[1300]

These developments are particularly important in light of recent legislative amendments in Greece[1301] which foresee a fee of EUR 100 for each subsequent application after a first subsequent application (i.e. second subsequent application onwards) *(see Section 4.8)*.

- [1295]Ministry of Migration and Asylum | Υπουργείο Μετανάστευσης και Ασύλου. (2021, July 28). Νέο αίτημα της Ελλάδας για την επιστροφή 1908 παράνομων οικονομικών μεταναστών στην Τουρκία [New request from Greece for the return of 1.908 illegal economic migrants to Turkey]. https://migration.gov.gr/en/neo-aitima-tis-elladas-gia-tin-epistrofi-1908-paranomon-oikonomikon-metanaston-stin-toyrkia/
- [1296]European Commission. (2021, September 29). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum. COM(2021) 590 final. https://ec.europa.eu/info/sites/default/files/report-migration-asylum.pdf
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- [1298]European Parliament. (2021, June 1). Parliamentary questions: Answer given by Ms Johansson on behalf of the European Commission [P-000604/2021(ASW)]. https://www.europarl.europa.eu/doceo/document/P-9-2021-000604-ASW_EN.html
- [1299]European Parliament. (2021, September 8). Question for written answer E-004131/2021 to the Commission, Rule 138, Tineke Strik (Verts/ALE), Bettina Vollath (S&D), Domènec Ruiz Devesa (S&D), Damian Boeselager (Verts/ALE), Dietmar Köster (S&D), Pernando Barrena Arza (The Left), Malin Björk (The Left), Cornelia Ernst (The Left), Erik Marquardt (Verts/ALE), Damien Carême (Verts/ALE), Alice Kuhnke (Verts/ALE: Inadmissibility of Syrian asylum applications in Greece. https://www.europarl.europa.eu/doceo/document/E-9-2021-004131_EN.html
- [1300]European Parliament. (2021, September 8). Question for written answer E-004131/2021 to the Commission, Rule 138, Tineke Strik (Verts/ALE), Bettina Vollath (S&D), Domènec Ruiz Devesa (S&D), Damian Boeselager (Verts/ALE), Dietmar Köster (S&D), Pernando Barrena Arza (The Left), Malin Björk (The Left), Cornelia Ernst (The Left), Erik Marquardt (Verts/ALE), Damien Carême (Verts/ALE), Alice Kuhnke (Verts/ALE: Inadmissibility of Syrian asylum applications in Greece [E-004131/2021(ASW)]. https://www.europarl.europa.eu/doceo/document/E-9-2021-004131_EN.html
- [1301]Νόμος Υπ' Αριθμ. 4825 Αναμόρφωση διαδικασιών απελάσεων και επιστροφών πολιτών τρίτων χωρών, προσέλκυση επενδυτών και ψηφιακών νομάδων, ζητήματα αδειών διαμονής και διαδικασιών χορήγησης διεθνούς προστασίας, διατάξεις αρμοδιότητας Υπουργείου Μετανάστευσης και Ασύλου και Υπουργείου Προστασίας του Πολίτη και άλλες

επείγουσες διατάξεις, ΦΕΚ Α 157/2021 [Law No 4825 Reform of deportation and return procedures of third country nationals, attraction of investors and digital nomads, issues of residence permits and procedures for granting international protection, provisions of the Ministry of Immigration and Asylum and the Ministry of Citizen Protection and other urgent provisions, Government Gazette A 157/2021], September 4, 2021. https://migration.gov.gr/wp-content/uploads/2021/12/fek_a_157_2021.pdf

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