



UTLENDINGSNEMNDA
UNE
Immigration Appeals Board

Press Release

May 7th, 2009

Conditional returns to Greece

The Norwegian Immigration Appeals Board (UNE) has now reached decisions in 16 so-called Dublin cases, after deliberating on whether asylum seekers can be returned to Greece. This regards asylum seekers from various nationalities, who have all been in Greece prior to entering Norway. The decisions reveal several problematic circumstances regarding the asylum process in Greece.

The crucial factor in the cases has been an individual evaluation of whether the appellants would be able to claim their rights as asylum seekers in Greece. UNE's decision makers have decided that the appellants in these cases can claim their asylum rights, and do not appear to be vulnerable. The decisions of the Directorate of Immigration (UDI) have therefore been upheld, and the asylum seekers will have to return to Greece to have their cases processed there. UNE emphasises that future cases may have a different outcomes.

UNE will continue its ordinary individual processing of asylum cases with return to Greece in accordance with the Dublin II Regulation. Information in each case, as well as continuously updated information on the circumstances in Greece, will be the decisive factors. UNE will pay close attention to the development of the circumstances in Greece and determine in each case whether return is appropriate or not. This especially concerns the processing of applications from vulnerable persons.

In February last year, UNE decided to temporarily halt transference to Greece in accordance with the The Dublin II Regulation. This was because of possible violation of the rights of asylum seekers, as well as the need for further information on the situation of asylum seekers in the country. Simultaneously, UNE halted the processing of these cases.

UNE resumed the processing of the cases on March 23 this year. This happened after extensive, new and exhaustive information from among others, UNHCR's Recommendations of April 2008, the European Council Report of February 2009 and UNE's own visit to Greece in February 2009. As expressed in UNE's press release of March 23, 2009, facts regarding the processing of asylum cases in Greece suggest certain problematic aspects of the way Greek authorities treat asylum seekers. Information on these aspects, as well as previous reports from various organizations on the situation of asylum seekers in Greece, have now been presented and evaluated in appeals board hearings in a total of 16 cases.

IMMIGRATION APPEALS BOARD

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In all 16 cases, the appeals board hearings, consisting of one board leader with magistrate qualifications and two lay board members,UDI's decisions to return the appellants to Greece, were upheld. The overall conclusion in all the cases was that, in general, it is appropriate to return asylum seekers to Greece. All cases have been evaluated individually, and the appellant's resourcefulness has been of significance. The appeals boards reviewed the conditions of the reception centres, but this did not affect the outcome. However, it was stated that there might be reason to distinguish between persons considered especially vulnerable, and healthy adults who are able to work. The boards emphasised a recent decision from the European Court of Human Rights (case against United Kingdom), where it was decided that return to Greece in accordance with the Dublin II Regulation is not a violation of the European Convention of Human Rights, article 3. In addition, the boards referred to investigations of other countries into the conditions in Greece, as well as their continued practice of returning asylum seekers to Greece. In particular, the boards referred to the practice of other Nordic countries of returning asylum seekers to Greece, unless they belong to vulnerable groups. In all decisions it was emphasized that Greek authorities in each case have guaranteed the applicant access to the asylum procedure upon return to Greece.

As a result of the decisions in these cases, UNE now revokes its suspension of the obligation to leave the country in those cases where UNE has upheld UDI's negative decisions. The decision also means that the police can resume returns to Greece in cases where asylum seekers do not leave the country voluntarily. Where UNE – independent of the general suspension of the obligation to leave – in individual cases, has decided to postpone the implementation of UDI's decisions, the decision will be valid until UNE has made a final decision in the case.

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