

The story of Khaled* & the complaint to the European Commission

Khaled* is a refugee from Syria, where he has faced persecution, imprisonment and torture due to his political opinions, as a result of which he suffers from serious physical and mental health conditions. Today, he submitted a complaint to the European Commission for violations of EU asylum law and of his fundamental rights by Greece.

Upon entry into Turkey, Khaled was repeatedly pushed back by the Turkish authorities to Syria. He also faced threats to his life and liberty and suffered from inhuman and degrading treatment and detention conditions by the Turkish authorities. Khaled arrived in Greece in August 2019 but his asylum application was only registered in August 2020. His claim was dismissed at first and second instance in application of the "safe third country" concept.

As soon as the second-instance negative decision of the Appeals Committee was notified to him in February 2021, Khaled was placed in detention in the pre-removal centre of Kos for more than two months, without his readmission to Turkey being possible and without the authorities' taking any measures to carry it out. At the end of March, he lodged a subsequent asylum application, processed again in the border procedure and dismissed as inadmissible by the Regional Asylum Office of Kos on the ground that Turkey was a "safe third country" for him.

Khaled appealed the rejection of his subsequent application. He explicitly stated that his readmission to Turkey was objectively impossible, on the one hand, and would contravene the principle of *non-refoulement* on the other. He therefore stressed that his application should be examined on its merits in line with Article 38(4) of the Asylum Procedures Directive. Pending the outcome of the appeal, Khaled had already been released and transferred to Athens after his geographical restriction on the island of Kos had been lifted.

Nevertheless, the Appeals Committee dismissed the new appeal and ordered anew his readmission to Turkey, fully disregarding his statements relating to Article 38(4) of the Directive. The decision of the Committee was notified to him in Athens in February 2022. Khaled has lodged an application for judicial review of the decision at the Administrative Court of Athens, which has not yet been examined.

Khaled has been in Greece for more than two and a half years. The Greek authorities have already dismissed two of his applications for international protection without assessing their merits and order his readmission to Turkey, knowing it is impossible for him to return there and disregarding his statements relating to violations of the principle of *non-refoulement* upon readmission. Throughout the past year, Khaled has never received an International Protection Applicant Card, the financial allowance available to asylum seekers or the reception conditions laid down in the law. This has had serious repercussions on his mental and physical health, as well as for the development of his life and personality. His new asylum claim, for which he had to pay a 100 € fee, will not be registered before June 2022.

In today's complaint before the European Commission, Khaled raises systemic violations by Greece of a series of EU law provisions such as Articles 1 and 18 of the Charter of Fundamental Rights, Articles 6(1), 24(3), 38(4) and 46(3) of the Asylum Procedures Directive, Article 4(3) of the Qualification Directive and Article 14 of the Return Directive.

* Names have been changed for safety reasons