

**Question for oral answer O-000056/2014  
to the Commission**

Rule 115

**Franziska Keller, Nikos Chrysogelos**

on behalf of the Verts/ALE Group

**Subject:** Prolongation of detention in Greece beyond 18-month time limit in violation of the Return Directive

The Greek State Legal Council published Opinion 44/2014 on 20 March 2014, following a request by the police directorate in the Ministry of Citizen Protection. Opinion 44/2014 rules in favour of prolonging the detention of migrants indefinitely and until their deportation becomes feasible, if a decision to deport has already been taken but has not been possible to implement. It states that the authorities can once again ask the migrant to depart voluntarily. If the migrant again 'fails' to cooperate regarding return or deportation, and if the authorities consider that there is a 'risk of absconding', they can order that the migrant remain in detention until deportation is possible. The decision proposes a legal aberration, namely that the migrant would be set free, but at the same time presented with a restrictive clause forcing him/her to remain on the premises of the detention centre until deportation is feasible. This decision comes at the crucial moment at which the absolute time limit for legal detention of the thousands of migrants arrested and detained (some 7 500 people) as part of the 'Xenios Zeus' sweeping operations, which have been going on since the autumn of 2012, is very close to expiring, with many detainees being non-returnable persons stuck in unacceptable conditions of detention.

In view of Article 15 of the Returns Directive, which provides for an absolute maximum extension of 12 months (in addition to the original 6 months) in cases of lack of cooperation, the fact that detention should be a last resort, the ECJ interpretation (case C 357/09 Kadzoev) confirming the Member States' obligation not to exceed the maximum detention period of 18 months, and the ECHR John versus Greece ruling of 2007 condemning the practice of releasing the person pro forma followed by immediate re-detention under a new detention order, the Commission is kindly asked to reply to the following:

1. Would the Commission consider the above-mentioned decision a violation of human rights and of the Return Directive by Greece? What steps have been taken so far by the Commission? Will the Commission initiate an infringement procedure?
2. In light of the recent Médecins Sans Frontières report entitled 'Invisible suffering. Prolonged and systematic detention of migrants and asylum seekers in substandard conditions in Greece', has the Commission already taken any measures to end the systematic and indiscriminate practice of inhumane detention of migrants and asylum seekers in Greece?
3. In the context of the recently published Commission communication on EU return policy, which includes an implementation report on the Return Directive, against which Member States and for what reasons has the Commission initiated infringement procedures? Against which other Member States will the Commission initiate infringement procedures?

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Deadline for reply: 16.4.2014