

**Question for oral answer O-000057/2014
to the Commission**

Rule 115

Cecilia Wikström, Sophia in 't Veld, Jan Mulder, Baroness Sarah Ludford, Sonia Alfano
on behalf of the ALDE Group

Subject: Prolongation of detention of migrants 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 of 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 ongoing since the autumn of 2012, is very close to expiring, with many detainees being non-returnable persons stuck in detention.

In view of Article 15 of the Return 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 and the ECJ interpretation (case C 357/09 Kadzoev) confirming the Member States' obligation not to exceed the maximum detention period of 18 months:

1. Does the Commission consider the above-mentioned decision as a violation of the Return Directive by Greece and will it initiate an infringement procedure?
2. In the context of the recently published Commission communication on the implementation of the Return Directive, is the Commission considering initiating infringement procedures against other Member States?

Tabled: 7.4.2014

Forwarded: 9.4.2014

Deadline for reply: 16.4.2014