

ASsIST - Newsletter No 8 - September 2026

"The measure of any democracy is the voice it gives to the least powerful."

Nancy Fraser - Justice Interruptus, 1997.

ASsIST has served clients from more than 30 countries. Our on-call interpreters and translators work in more than 14 languages. Being able to recount experiences in one's own language, supported by interpreters who themselves have lived experience of the Greek asylum system, can make it easier for clients to feel understood and respected — and to explain circumstances that may be difficult, complex or painful to describe.

Language, however, is about more than translation. Access to information, interpretation and appropriate legal expertise can determine whether people are able to exercise their rights, understand the procedures affecting them and fulfil their obligations.

Several articles in this September issue return to that distinction between rights on paper and access to those rights in practice. Whether the issue is interpretation, the provision of legal information, the terminology used in migration policy, or the right to appeal, a recurring question emerges: are people simply being told what a procedure requires, or are they being given a meaningful opportunity to understand, respond and be heard?

What's happening in Greece

Arrivals continue via the Aegean islands and the Evros land border, with a far greater number arriving via the longer and more dangerous central Mediterranean route from Libya to Crete.

Concerns about reception infrastructure on Crete are not new. Refugee Support Aegean (RSA) was already reporting in January 2025 that, despite the sharp increase in arrivals during 2024, organised first-reception infrastructure had not been established on Crete and Gavdos. In July 2026, following a further substantial rise in arrivals, RSA reported that improvements to the makeshift reception infrastructure remained minimal and that adequate organised reception and accommodation facilities were still lacking.

Arrivals in Greece as of 27 September 2026,

Sea arrivals	**23,155.**	**Crete: Sea arrivals**	**16,379**
Land arrivals	**6,235**	**% sea arrivals**	**70.92 %**
Total arrivals	**29,401**	**% total arrivals**	**55.55%**

Of the arrivals, 12.5% are children, 8.7% are women and 78.9% are men.
Between 1 January and 31 July, 2026, the nationalities most represented among arrivals were Sudan [4,379], Bangladesh [3,843], Afghanistan [1,388] and Egypt [1,267].

Source: UNHCR accessed 30 September 2026.

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Yet Another EU Migration Proposal

A new European Emergency Response Framework for Migration

On 16 September 2026, during the State of the Union address, European Commission President Ursula von der Leyen announced plans for a new European Emergency Response Framework for migration

The proposed framework is intended for exceptional situations at the EU's external borders, particularly where large movements of people are considered to have been "engineered and weaponised". According to the Commission President, it would operate under strictly defined criteria and permit temporary and limited flexibility in standard procedures.

Few details have yet been provided. It is not clear what circumstances would trigger the framework, which asylum or border procedures could be modified, how long such measures could remain in place, or precisely what safeguards would apply to people seeking international protection.

The announcement comes during a period of unusually extensive change in EU migration policy. The Pact on Migration and Asylum only became applicable on 12 June 2026 and its implementation is continuing. At the same time, the EU has pursued new rules intended to increase returns, the possible establishment of return hubs outside the EU, changes concerning safe third countries and safe countries of origin, increased cooperation with third countries, and further strengthening of Frontex.

The Pact already includes a Crisis and Force Majeure Regulation covering exceptional situations involving mass arrivals, the instrumentalisation of migration and force majeure. It allows Member States, subject to specified procedures and authorisation, to derogate temporarily from certain ordinary asylum and migration rules. It is therefore not yet clear what additional powers or procedures the proposed Emergency Response Framework would introduce.

The announcement also comes against a background of calls from Greece for stronger European responses to exceptional migration situations and the instrumentalisation of migration. Recent Greek statements have emphasised the need for stronger cooperation with third countries, more effective returns and new European approaches. The Commission has not, however, indicated that its proposed Emergency Response Framework derives directly from a Greek initiative.

There is also a notable imbalance in the language surrounding many of these initiatives. Recent EU migration policy has placed considerable emphasis on reducing irregular arrivals, strengthening borders and increasing returns. Much less is being said about the circumstances of the people affected by these measures and their rights: why they have moved, what are their protection needs, what living conditions do they face during asylum and return procedures, or what happens to them following return or transfer to a third country. These issues remain part of the EU's legal and protection framework, but they are far less visible in the current policy discussion.

A similar imbalance can be seen in the public presentation of migration policy in Greece. Recent government statements have placed strong emphasis on deterrence, stricter procedures, border management and increasing returns, including Greece's active participation in plans for return hubs in third countries. Protection and support measures continue to form part of the asylum and reception system, but the circumstances and needs of the people affected are far less prominent in the political discussion. Questions concerning the standards and quality of reception conditions, the information and legal assistance provided to applicants, support for people with particular vulnerabilities, and the safeguards and support in place for people returned or transferred to Greece from other EU Member States receive considerably less attention in the presentation of new migration measures.

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Yet Another EU Migration Proposal [cont.]

A new European Emergency Response Framework for Migration

Nonetheless, there remains a considerable difference between announcing or adopting new policy measures and making them operational. The Commission itself has acknowledged that implementation of the Pact requires continuing work, while practical arrangements for proposals such as return hubs remain under development. The Greek Ministry's account of the September Return Hubs Core Group meeting similarly described participating states as moving from political declarations towards the development of a concrete model.

The European Emergency Response Framework is not yet law. The Commission has announced its intention to make a proposal, but the legislative text and detailed provisions have not yet been published. Until they are available, there is insufficient information to assess how the framework might affect access to asylum procedures or the rights of applicants in Greece and elsewhere in the EU.

The proposed Emergency Response Framework therefore adds another measure to an already rapidly developing policy environment before the practical effects of several recently adopted measures can yet be fully assessed.

ASsIST will follow the proposal as further details become available.

References

European Commission: 2026 State of the Union Address, 16 September 2026.
European Commission, Directorate-General for Migration and Home Affairs: State of the Union: President von der Leyen calls for a common European response on borders, migration and security, 16 September 2026.
Council of the European Union: Response to the migration crisis and force majeure situations — overview of the Crisis and Force Majeure Regulation.
Council of the European Union: Pact on Migration and Asylum — overview of the Pact and implementation.
European Commission: Pact implementation report, 8 May 2026.
European Commission: First assessment of the new responsibility rules, 16 July 2026.
European Commission: Political agreement on the Return Regulation, 2 June 2026.
Greek Ministry of Migration and Asylum: Return Hubs Core Group meeting, 4 September 2026.
Greek Ministry of Migration and Asylum - statement on implementation of the Migration and Asylum Pact and the emphasis on a stricter framework, deterrence and returns, 9 June 2026.
Prime Minister of the Hellenic Republic - statements following meeting with European Council President António Costa, 3 September 2026.

September Amendment to State Legal Guidance Scheme

In Newsletter 6, we noted concerns about the limited scope of Legal Guidance, including the exclusion of case-specific advice and access to applicants' files. The distinction is important. The scheme is intended to provide general information on the asylum procedure, rights and obligations rather than individual legal advice or representation. Within that limited function, access to an applicant's case file would not ordinarily be required. The more relevant questions concern what information applicants receive, how it is presented and what pathways are available when individual legal assistance is needed.

On 3 September 2026, the Ministry of Migration and Asylum adopted Decision 166350/2026, published on 9 September, amending parts of the new state-funded Legal Guidance scheme introduced in June.

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September Amendment to State Legal Guidance Scheme [cont.]

The September amendment limits Ministry supervision to the smooth operation of the programme and provides that Ministry personnel may remain during the substantive legal-guidance session only with the agreement of the lawyer. It also changes the proposed additional payment linked to voluntary departure: this payment cannot operate without a further Joint Ministerial Decision agreed with the Plenary of the Presidents of the Greek Bar Associations.

The new legal-guidance framework became operational in July, initially using lawyers already registered with the Asylum Service under transitional arrangements. Training for lawyers seeking admission to the new Legal Guidance Lawyers Registry was held from 28 to 30 July. The Decision and related measures prescribe the broad areas to be covered, but, to our knowledge, detailed training materials or guidance on how information is to be presented are not currently available in the public domain.

By early September, European Lawyers in Lesvos (ELIL), which has provided legal assistance to asylum seekers in Greece since 2016, was raising concerns about the quality of the group sessions being delivered. In a recent public update, ELIL described "legal guidance" as having become "a rushed group session with little real advice". Given ELIL's longstanding experience providing legal assistance within the Greek asylum system, this is a noteworthy early indication of a possible gap between the guidance envisaged under the new framework and its delivery in practice.

ASsIST will continue to follow the implementation of the scheme, including the content and practical delivery of the information provided to applicants.

Further reading

Decision 166350/03.09.2026, Government Gazette B' 5462/09.09.2026 — Greek text.
Unofficial English translation — [link].
Joint Ministerial Decision 120961/30.06.2026, Government Gazette B' 3944/2026 — Greek text.
European Lawyers in Lesvos (ELIL), LinkedIn post, September 2026 — implementation of the EU Pact and Legal Guidance in Greece.



Subsequent Applications: Clarifying the Procedure

The Greek National Registry of Administrative Public Services updated its information on Subsequent Applications on 2 September 2026. The update provides a useful opportunity to clarify how the procedure currently works in Greece. It should not, however, be understood as meaning that the procedure itself is new or that all of its provisions were introduced by the EU Pact on Migration and Asylum.

A Subsequent Application may be made after a final decision on an earlier application for international protection, or after an earlier application has been withdrawn. The applicant must provide new elements or information relevant to the claim. The application is made in person before the competent Asylum Service and is considered together with the information already contained in the earlier case file. At this stage, the applicant receives proof that the application has been lodged, but is not immediately issued a new international protection applicant card. If the application is found admissible and proceeds to further examination, an applicant card is issued.

Before the substance of the claim is examined, the Asylum Service carries out a preliminary examination to decide whether the new elements or information justify further examination. Under Article 131 of Law 5307/2026, this stage should normally be completed within five days. A shorter period of two days applies where a first Subsequent Application has been lodged merely to delay or obstruct enforcement of a removal decision, and also in the case of a second or further Subsequent Application. If the application is found admissible, it then proceeds to examination on its merits.

The right to remain in Greece during this process is not automatic in every case. Article 131 refers to the exceptions set out in Article 56 of Regulation (EU) 2024/1348. Lodging a Subsequent Application should therefore not be understood as providing an unconditional right to remain in Greece while the application is being examined, particularly where one of those exceptions applies.

A fee of €300 applies to each applicant for every second or further Subsequent Application. In the case of a family application, the €300 fee is required separately for each family member included in the application. The first Subsequent Application is not subject to this fee.

If a Subsequent Application is rejected as inadmissible, an appeal may be lodged before the Appeals Authority within ten days of notification of the decision. The ten-day deadline is provided for under Article 135(2)(a) of Law 5307/2026.

The procedure also illustrates a wider point raised in our article on the State Legal Guidance Scheme. The information applicants need changes as their asylum procedure progresses. Following a decision, applicants may need clear information about what that decision means, the relevant deadlines, available remedies and where individual legal assistance can be obtained. Information provided at the beginning of an asylum procedure cannot realistically anticipate every question that may arise later. Effective access to information therefore depends not only on its accuracy, but also on receiving it at the stage when it is needed.

Sources and References

1. Greek National Registry of Administrative Public Services, Recording of a Subsequent Application for International Protection, last updated 2 September 2026.
2. Law 5307/2026, Government Gazette A' 90/11.06.2026, Article 131, Subsequent Applications. Taxheaven
3. Law 5307/2026, Article 135, Right to an Effective Remedy. Taxheaven
4. Regulation (EU) 2024/1348, particularly Articles 55 and 56, concerning subsequent applications and exceptions to the right to remain. EUR-Lex

Case Study: The Importance of the Right to Appeal

A woman seeking international protection in Greece had experienced forced marriage and years of severe physical, psychological and sexual violence. After her asylum application was rejected, she faced the possibility of return to circumstances in which she would have little meaningful family or social support and where serious concerns remained about her safety.

She approached ASsIST for legal assistance. Within the 30-day deadline for lodging an appeal, ASsIST's legal team reviewed her case and submitted a detailed challenge to the first-instance decision.

At the same time, ASsIST referred her to a specialised organisation supporting women who have experienced gender-based violence. Through this referral, she was able to access appropriate psychosocial support and assessment. This also provided relevant additional evidence concerning the effects of the violence she had experienced and the risks associated with return.

The appeal was successful. The Appeals Committee overturned the initial negative decision and granted subsidiary protection.

Cases involving gender-based violence and forced marriage can be particularly complex. Experiences of violence may be difficult to disclose, particularly during an asylum interview with an unfamiliar authority. An applicant may also have limited understanding of the importance of providing a complete account at an early stage, or may have learned through previous experience that speaking openly to authorities carries risks.

Timely legal assistance and access to appropriate specialist support can therefore be important not only in presenting an appeal, but also in enabling relevant circumstances and supporting evidence to be considered more fully as the procedure develops.

Today, our client is safe. She holds a valid residence permit and travel documents, and is building an independent life. She is employed, learning the Greek language, and actively participating in educational and therapeutic programmes as she continues her path towards a fully independent social and professional life.

This case demonstrates the importance of timely legal assistance, careful consideration of individual circumstances and effective referral to specialised services. A negative first-instance decision does not necessarily mark the end of an asylum claim: the appeals procedure provides an important opportunity for the case and any further relevant evidence to be considered.

LANGUAGE MATTERS

RETURN HUB

A "return hub" sounds like a logistical transit point. In more transparent terms, it refers to a proposed arrangement under which people subject to return decisions may be transferred to a third country, while important questions about conditions, freedom of movement, legal safeguards and responsibility remain unresolved.

From ASsIST's developing Critical Migration Lexicon

Council of State Rules on NGO Registry Requirements

In September, the Plenary of Greece's Council of State ruled on several contested provisions governing the Ministry of Migration and Asylum's Registry of NGOs and the separate Registry of NGO Members. The judgment does not abolish the NGO Registry as a whole. Rather, it concerns specific requirements and administrative powers contained in the current framework.

The Court found that the legal provision authorising the Minister to regulate the Registry of NGO Members was unconstitutional because the legislation itself did not establish the essential conditions governing registration and certification. It also ruled against provisions giving the administration broad discretion to accept or reject an organisation's registration and requiring organisations generally to publish information about donors and subscribers.

The Court also struck down the automatic two-year prohibition on re-registration where an organisation had been removed from the Registry for non-compliance with formal requirements. That finding did not extend to removal on the ground of inadequate performance of work undertaken, for which the two-year restriction remains applicable.

Other questions remain unresolved. The Council of State referred questions to the Court of Justice of the European Union concerning registration conditions linked to criminal proceedings or convictions and the processing of criminal-record information under EU data-protection law.

The judgment is therefore significant, but narrower than descriptions suggesting that the NGO Registry itself has been declared unconstitutional. Its practical consequences will depend both on how the Greek authorities implement the ruling and on the CJEU's eventual response to the questions referred.

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