

Greece

Strengthening NGO involvement and capacities around EU 'hotspots' developments

Update on the implementation of the hotspots in Greece and Italy



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Summary

Main developments since the main report:

- No new hotspots have been added to the existing group, being; Lesvos, Chios, Samos, Leros and Kos.
- Arrivals remain low: By the 23rd of April 2017, 4.900 people reached the Greek territory through the Aegean islands.¹
- There is a new amendment to the asylum procedure(L.4461/2017). According to Art. 101 of L. 4461/017, the Department for Legal Support, Training and Documentation and the EASO could be entrusted to draft case reports, that record the facts of each case, including the main claims of the appellant matched with COI. This report will be presented to the competent Committee for decision. Worryingly, the said powers almost coincide with the powers of the Committees, who are supposed to be independent bodies. Staff of the Department for Legal Support, Training and Documentation are 'administrative' under control of the Ministry of Migration Policy. Similarly, the EASO staff are under the authority of the European Agency. Therefore, they do not offer the guarantee of independence, as the members of the Committees are supposed to offer.²

RIS

Since the implementation of the EU Turkey Statement and because of the manageable number of people arriving in the Greek territory, all newcomers are registered by the RIS. However, the provision of medical and psychosocial services is not guaranteed for all newcomers as provided by the Law. Also, there is a lack of a uniform practice with regards to referrals to the Medical and psychosocial Units of the RIS' followed after registration.

To better illustrate the aforementioned, on Kos, until March, although all the newcomers were registered by the RIS, those accommodated in the so-called "Annex" area were not referred to the psychosocial and medical unit and, therefore, not assessed for vulnerabilities.³ (The 'Annex' area used to be a makeshift camp next to the Hotspot establishment created due to capacity problems of the latter.)

On Lesvos (up until recently) and Samos, the Reception and Identification Services could be completed without the registered person having been assessed for potential vulnerabilities.

¹ UNHCR, Operational Portal- Refugee Situation Mediterranean Situation, <http://data2.unhcr.org/en/situations/mediterranean/location/5179> (accessed 25 April 2017)

² Campaign for the access to asylum, Press Release, 13 March 2017, available at: <http://asylum-campaign.blogspot.gr/> (in Greek)

³ GCR, Mission to Kos and Leros, May-November 2016, available in Greek at: <http://bit.ly/2kP9AZX>. See also, European Council on Refugees and Exiles, *Asylum Information Database, National Country Report : Greece*, March 2017, available at :<http://www.asylumineurope.org/reports/country/greece>

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Only newcomers with evident vulnerabilities were subjected in medical and psychosocial assessment and offered help. All the rest received no assessment services unless requesting so. However, even when requested the assessment of the newcomers without obvious vulnerabilities was not granted. On Lesbos, this practice changed and effort was made so that all newcomers were assessed concerning possible vulnerabilities.

Medical and psychosocial services provided within the scope of the RIS used to be outsourced to NGOs. The contracts between the RIS and the NGO's involved were in force until the end of March. Even though there has been a proposal on behalf of the Greek Authorities for an extension of the contracting period, this came late and, thus, the smooth continuation of the provision of the psychosocial and medical services was not possible.

Specifically, MdM stopped offering services within the scope of the RIS on Lesbos for certain days, while some NGOs reduced their personnel (i.e. MedIN on Samos) or did not take over new cases aiming to clear their backlog (Praxis on Kos). As a result, the provision of medical and psychosocial services was either not available to all, or offered with delays/ not to everybody. This raises concerns regarding the identification and proper treatment of vulnerable newcomers, both within the scope of the RIS' and asylum procedures. Consequently, the assessment for potential vulnerabilities of newcomers who asked for asylum and had never received relevant services because of the deficiencies described above remained to be conducted by the Asylum Service. As a result, the later remained the sole responsible authority for the vulnerability identification of the applicants, even though deprived of the specialized identification mechanism provided by the RIS, namely the medical and psychosocial unit.

Asylum Procedure

First Instance

Following the implementation of the EU-Turkey Statement, Syrians were the only group whose applications for asylum were registered and examined in terms of admissibility under the Safe Third Country or First Country of Asylum clauses. From July 2016 the Asylum Service started to register and examine on merits the asylum applications filed by specific nationalities with low recognition rates (under 25%) such as Pakistan, Bangladesh, Morocco, Algeria or Tunisia, without prior assessment of their admissibility.⁴

Nationals of other countries (non-Syrians and non-low-rate nationalities), including Afghans, Congolese, Iranians and Iraqis, had to wait in the Hotspots for up to six months until their claims were formally registered⁵ and even longer until they were examined. Specifically, in December

⁴ European Council on Refugees and Exiles, *Asylum Information Database, National Country Report : Greece*, March 2017, available at: <http://www.asylumineurope.org/reports/country/greece>

⁵ FRA, *Opinion on fundamental rights in the 'hotspots' set up in Greece and Italy*, 5/20168 December 2016, available at: <http://bit.ly/2m8HoOK>, 18. Action Aid et al, *More Than Six Months Stranded-What Now? A Joint Policy Brief on the Situation for Displaced Persons in Greece*, October 2016, available at:

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2016, the Asylum Service started the examination under the fast-track border procedure for applications lodged from nationalities of over 25% recognition rate, inter alia Palestinians, Afghans, Iraqis and Iranians.⁶ Among others, UNHCR reports that: In the second week of December 2016, the examination of the admissibility of claims by non-Syrian nationalities with a recognition rate over 25% started on Leros and Chios; Admissibility interviews for Somali nationals would start in early 2017 on Leros, after the arrival of the relevant interpreter; The admissibility of claims by non-Syrian nationalities with a rate over 25% would start from 2017 on Samos.⁷ Said delays shall be attributed mainly to the understaffing of the Asylum Service, as well as to the followed policy. Additionally to these, the RAO of Lesbos was almost not functional from late October to mid December 2017 due to security reasons and the destruction of its infrastructure caused by fire.⁸

Nowadays, applications from all countries are registered and examined. However, depending on nationality, applicants' treatment varies. For example, Syrians, not exempted by the fast track border procedure, are examined only on the basis of admissibility of their application; whereas nationals from countries with recognition rate under 25% are examined on merit. The remainder of the applicants undergo a merged' interview; firstly examined on admissibility of their application and then on its merits. Following these interviews, two decisions are issued; one regarding admissibility, the other on the merits of the claim. So far, GCR is not aware of any inadmissibility decisions under the concept of safe third country/ first country of asylum decision concerning non- Syrians. However, for the vast majority of the cases concerning non-Syrians examined under the fast track border procedure, EASO caseworkers issue an opinion, according to which, said applications should be considered as inadmissible.

Since January 2017, the Asylum Service has notably increased its capacity to register and examine asylum application. The registration of the applications takes place quickly, usually within days following the arrival of the newcomers, even if the registration of the individual by the RIS is not yet completed. Also, the first instance examination of the application is scheduled not later than a couple of weeks after registration. For example, the RAO of Lesbos is now in a position to register 50 new applications per day. According to the Head of the RAO of Lesbos, the interviews are usually scheduled not later than 2- 2 ½ weeks after they are registered.

<http://bit.ly/2m8HHsF> , 7-9. See also, European Council on Refugees and Exiles, *Asylum Information Database, National Country Report : Greece*, March 2017, available at:

<http://www.asylumineurope.org/reports/country/greece>

⁶ European Council on Refugees and Exiles, *Asylum Information Database, National Country Report : Greece*, March 2017, available at: <http://www.asylumineurope.org/reports/country/greece>

⁷ FRA, Opinion on fundamental rights in the 'hotspots' set up in Greece and Italy, 5/20168 December 2016, available at: <http://bit.ly/2m8HoOK>

⁸ Greek Reporter, Chaos in Moria Migrant Center: Migrants Burn Asylum Service Building, 24 October 2017, available at: <http://greece.greekreporter.com/2016/10/24/chaos-in-moria-migrant-center-migrants-burn-asylum-service-building/>

According to the latter, the goal of the Asylum Service is to examine by the end of April 2017, all the applications pending for first instance examination.

The registration and examination within a very short time period - especially if conducted before the vulnerability assessment within the scope of the RIS is completed - is raising various concerns as to whether vulnerable applicants not identified could exercise their right to be properly referred to the Regular Procedure. Moreover, it poses a question as to whether adequate time is given to the applicants to access legal aid and prepare supporting documents, prior to the examination.

According to the Law, newcomers considered vulnerable are exempted from the fast track border asylum procedure and are referred to the Regular Procedure.⁹ However, several cases are reported where the Asylum Service has not taken into consideration the findings of the RIS concerning vulnerability. On the contrary, although an individual may have been considered as vulnerable, the Asylum Service does not directly refer him/ her to the Regular Procedure and conducts a second vulnerability assessment, or even worse, conducts the interview under the fast track procedure.

Second instance

The participation of judges in the composition of the second degree committees, namely the Independent Appeals Committees, has raised various concerns; already analyzed within the scope of the first report. The constitutionality of their composition has been challenged before the Council of State.¹⁰ Since then (mid-August 2016), no second degree decisions regarding Syrians were issued by the second instance Committees. On February 2017, the Fourth Section of the Council of State decided to refer the cases to the Council of State Plenary, given the importance of the question.¹¹ Since then a number of inadmissibility decisions have been issued by the Independent Appeals Committees. The hearing before the Council of State Plenary took place on 10 March 2017 and the issuance of the decision is still pending.¹²

According to data provided by the Appeals Authority for the period 21 July to 31 December 2016, the new Appeals Committees have granted refugee status to 5 persons (1 Afghan, 2 Pakistani, 2 Cameroonian nationals) and subsidiary protection to 1 Afghan national. According to the data available concerning that period, the recognition rate before said Committees did not exceed 0,4%. However, it should be taken into consideration that these statistics refer to a

⁹ Art. 60 par. 4 (vi) L.4375/2016

¹⁰ Group of Lawyers for the Rights of Refugees and Migrants, 'Αίτηση ακύρωσης κατά της ίδρυσης των Ανεξάρτητων Επιτροπών Προσφυγών', 15 September 2016, available in Greek at: <http://bit.ly/2mRtYJI>

¹¹ Council of State, Decision 447/2017, 15 February 2017, available in Greek at: <http://bit.ly/2nePedm> and Decision 477/2017, 21 February 2017, available in Greek at: <http://bit.ly/2mASBZ6>

¹² European Council on Refugees and Exiles, *Asylum Information Database, National Country Report : Greece*, March 2017, available at: <http://www.asylumineurope.org/reports/country/greece>

short time period, within which the majority of the appeals examined were lodged by nationals coming from countries with low recognition rates.¹³

Detention

Since the implementation of the EU Turkey Agreement, Hotspot facilities have turned into detention centres. According to art. 14 (L. 4375/2016) all newly arrived individuals should remain in the relevant facilities under a ‘restriction of liberty’ regime, amounting to detention, for an initial period of 3 days, possible to be prolonged up to 25 days. The practice of mandatory de facto detention is applied, indiscriminately even to vulnerable individuals. Detention is followed by the imposition of an obligation to remain on the island of arrival; known as “geographical restriction”. Due to the shortage of proper reception shelters, the majority of the newcomers remain in the Hotspot facilities even after the restriction of liberty is waived. On specific islands, nationals of certain countries (Maghreb countries, Turkey, Pakistan, etc) remain in detention after the 25 days are over under a detention order, in view of deportation.

When the capacity of the Hotspot facilities was exceeded, and due to the fact that the actual control of who was under a ‘restriction of liberty’ and who not proved to be a difficult task, from time to time newcomers were allowed to freely move in and out of the Hotspot facilities, irrespectively of whether the 25 days period was over. For a period this was the situation on Lesbos. On Samos, these conditions remain.

UAMs remain in detention for long, due to the fact that shelters for minors are insufficient to meet the actual needs.

Since June 2016, according to a Police Circular, detention orders under “public order” grounds were issued against third-country nationals residing on the islands with “law-breaking” conduct.¹⁴ The assessment of what constituted “law-breaking” was conducted by the Police in an arbitrary way. The practice of unjustified detention on “public order” grounds has been used excessively.

Due to the limited capacity of the detention centres on the islands, individuals detained on said grounds used to be transferred in pre-removal detention facilities placed in the mainland. However, since late November 2016, according to the Greek Authorities, transfers of detainees in the mainland have stopped, due to the fact that individuals who entered Greece after the

¹³ Ibid

¹⁴ Police Circular No 1604/16/1195968/18-6-2016, available in Greek at: <http://bit.ly/2ngIEj6>.

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20th of March 2016 via the Aegean islands - who have been transferred as detainees to detention centres in the mainland - fall out of the scope of the EU Turkey Statement.¹⁵

Following that, it was announced that new detention centres on the islands would be constructed in order to increase detention capacity; planned to take place, with EU support, “as soon as possible”.¹⁶ In February 2017 a pre-removal detention facility was established on the island of Kos.¹⁷

AVR

Assisted Voluntary Return programmes in Greece are conducted mainly by the IOM.¹⁸ From January 2016 until mid-March 2017, 4,715 third country nationals have been returned to their countries¹⁹. Also, since the implementation of the EU Turkey Statement, until the 12th of April 2017, 979 individuals who entered Greece through the Aegean islands have also been returned via AVR programmes²⁰. Since late March 2017, the Minister of Migration Policy announced that, in order to battle ‘the abuse of the asylum procedure as a means of preventing readmission’, asylum seekers on the islands rejected on the first instance will have to choose between two options²¹:

- Ask to participate in the Assisted Voluntary Return and Reintegration Programs provided by IOM to return to their countries and also benefit from the new reintegration package, which has been created in order to enhance the voluntary returns from the Greek islands of Lesbos,

¹⁵ Decision, General Secretary of the Public Order of the Ministry of Interior, 8 February 2017, available at: <http://www.efsyn.gr/sites/efsyn.gr/files/wysiwyg/2017-02/apofasi.pdf>

¹⁶ EU Commission, Joint Action Plan on the implementation of the EU-Turkey Statement on 8 December 2016, available at: http://europa.eu/rapid/press-release_IP-16-4281_en.htm

¹⁷ European Council on Refugees and Exiles, *Asylum Information Database, National Country Report : Greece*, March 2017, available at: <http://www.asylumineurope.org/reports/country/greece>

¹⁸ *Programme of AVR is implemented by IOM Greece in collaboration with the Greek Ministry of Interior, funded 75% by the Asylum, Migration and Integration Fund of the European Union (AMIF) and 25% by the Hellenic Ministry of Interior and Administrative Reconstruction. See more: IOM, Assisted Voluntary Return and Reintegration Programs (AVRR), available at: <http://bit.ly/2skwLZi>*

¹⁹ Immigration.gr, Προβληματισμοί για το νέο «πακέτο» εθελουσίων επιστροφών μεταναστών από τα ελληνικά νησιά, available at (in Greek): <http://www.immigration.gr/2017/05/blog-post.html>

²⁰ Ministry of Public Order, Press Release, ‘Return to Turkey of 21 Irregular Migrants’, 12 April 2017, available at: <http://bit.ly/2ouMxnf>

²¹ Kathimerini, ‘Φρένο στην κατάχρηση ασύλου από Μουζάλα’, 30 March 2017, available at (in Greek): <http://bit.ly/2sq5KfK>

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Chios, Samos, Leros and Kos. Said package offers an additional amount of 500€ in cash to the participants.²²

- Lodge an appeal against the first instance decision. The rejected applicants who will prefer to lodge an appeal will not have the chance to benefit from the AVRR programme later in the future.

This policy has been in force since early April 2017 and it raises serious concerns as to whether the exercise of a right, in this case the right to appeal, shall deprive an individual of the chance to seek to be returned at any time back to his country and to benefit from the AVRR programme.

Reception Conditions

Reception conditions remain inadequate and far below standard. Overcrowding remains a problem. According to official data, the capacity of the official (that serve also as detention facilities) and unofficial sites on the islands is estimated to 8,645 places. The number of people now trapped on the islands is estimated to be 12,822²³

Living conditions also remain inhumane. The conditions during winter further deteriorate due to the bad weather.²⁴ Adverse weather conditions and inadequate winterization of the Hotspots and camps, resulted in the loss of 5 lives and the suffering of thousands. On 25 November 2016, a 66-year-old Iraqi woman and her 6-year-old grandchild died at Lesvos (Moria) Hotspot, when a gas bottle inside their tent exploded.²⁵ In January 2017, three men died on Lesvos. It is reported that “although there is no official statement about the cause of these deaths, they have been attributed to carbon monoxide poisoning from makeshift heating devices that refugees have been using to warm their freezing tents”.²⁶ A 41-year-old Iraqi died on 25 January 2017 at the Hotspot of Samos.²⁷ A series of suicide attempts have been reported

²² Ibid

²³ UNHCR, Europe Refugee Emergency Daily map indicating capacity and occupancy (Governmental figures) as of 25 April 2017, available at: <https://data2.unhcr.org/en/documents/download/56107> See also, Hellenic Ministry of Digital Policy Telecommunications and Media, [Summary statement of refugee flows to Eastern Aegean Islands \(30.04.2017\)](#), 30 April 2017, available at (in Greek): <http://bit.ly/2qkTztB>

²⁴ UNHCR Greece Factsheet – January 2017, available at: <http://bit.ly/2spxE14>

²⁵ GR.Euronews.com, ‘Λέσβος: Νεκροί 66χρονη πρόσφυγας και το εγγόνι της από έκρηξη στη Μόρια’, 25 November 2016, available in Greek at: <http://bit.ly/2fXCROq>.

²⁶ Human Rights Watch, ‘Death and Despair in Lesvos: Freezing Winter Conditions Turn Deadly for Refugees in Greece’, 3 February 2017, available at: <http://bit.ly/2jEWO9k>.

²⁷ Eleftheros Typos, ‘Και τέταρτος νεκρός σε hotspot’, 31-01-2017, <http://bit.ly/2maGdBH>.

in the same facilities.²⁸ After the deaths and the relevant publicity, conditions in Moria improved, however they remain insufficient to meet the standards stipulated in the national and European legislation.²⁹

Serious security issues continue to arise relating to the Hotspots. As MsF point out "On Lesbos, patients have told us of widespread alcohol and drug abuse in Moria camp, as well as sexual harassment, violence and people fighting on a daily basis. These are not safe places for anyone, especially the most vulnerable".³⁰

Returns

According to the Fifth Report on the Progress made in the implementation of the EU-Turkey Statement, since the beginning of December 2016 until 24th February, 151 persons who entered Greece through Turkey have been returned in the framework of the EU-Turkey Statement, including 64 Syrians. Other nationalities included Pakistanis (35), Algerians (17), Moroccans (10), Bangladeshis (7), Iranians (6), Nigerians (5), Iraqis (3), Afghans (2), Egyptians (1) and Palestinians (1). The total number of migrants returned to Turkey since the date of the EU-Turkey Statement until the beginning of March 2017 is 1.487.³¹

Also, according to official data available, since the 1st of January 2016 until the 12th of April 1.196 third country nationals have been returned to Turkey according to the Bilateral Readmission Protocol between Greece and Turkey, 63 Turkish nationals according to the Readmission Agreement between Greece and Turkey and 1.014 third country nationals according the EU Turkey Statement.³²

²⁸ Human Rights Watch, 'Death and Despair in Lesvos: Freezing Winter Conditions Turn Deadly for Refugees in Greece', 3 February 2017; CNN Greece, 'Chios: Three suicide attempts of refugees in one week', 27 January 2017, available in Greek at: <http://bit.ly/2mRDLzf>.

²⁹ MsF, "One Year on From the EU-Turkey Deal: Challenging the EU's Alternative Facts", March 2017, available at: http://www.msf.org/sites/msf.org/files/one_year_on_from_the_eu-turkey_deal.pdf

³⁰ Ibid.

³¹ EU Commission, Fifth Report on the Progress made in the implementation of the EU-Turkey Statement, 2 March 2017, available at: <http://bit.ly/2mSRpz9>

³² Ministry of Public Order, Press Release, 'Return to Turkey of 21 Irregular Migrants', 12 April 2017, available at: <http://bit.ly/2ouMxnf>

Statistics³³

A. Arrivals

Most common nationalities of sea arrivals since 1 January 2017³⁴

Country of origin	Data date	
Syrian Arab Rep.	31 Mar 2017	44.0%
Others	31 Mar 2017	38.1%
Iraq	31 Mar 2017	10.7%

³³ Number of registrations of newly-arrived; number of persons having expressed the will to apply for asylum; number of asylum seekers registered; number of persons under return procedures; number of persons returned; number of persons detained; number of persons under relocation procedures and persons relocated.

³⁴ UNHCR, Operational Portal- Refugee Situation Mediterranean Situation, <http://data2.unhcr.org/en/situations/mediterranean/location/5179> (accessed 25 April 2017)

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Demographics ³⁵

The 30.3% of the arrivals are children, 17.7% women 52% men.

B. Asylum Procedure

Asylum Applications³⁶

Regional Asylum Office	Applications Registered in 2016	Applications Registered in 2017	March 2017
RAO of Attica	14.146	2.094	815
RAO of Lesbos	5.095	3.059	930
RAO of Chios	3.398	1.256	615
RAO of Samos	2.433	667	271
RAO of Leros	871	303	132
RAO of Kos	686	323	97
All RAOs/ MU in Greece	51.092	16.870	4.884

Relocation Procedures (up to 16.4.2017)³⁷

Total number of relocation applications registered by the Asylum Service	27067
Pledges	19.647
Relocation Requests	19.516
Acceptances	16.339
Rejections	936
Transfers	11.421

³⁵ Ibid.

³⁶ Greek Asylum Service, Statistics, revised by 15-04-2017, available at: <http://bit.ly/2pwtqle>

³⁷ Greek Asylum Service, Statistics,

Independent Appeals Committee decisions: 21 July– 31 December 2016³⁸

Number of decisions on appeals	1.341	100%
Refugee status	5	0.37%
Subsidiary protection 1 0.07%	1	0.07%
Referral for humanitarian status	9	0.67%
Decisions rejecting the Appeal on the merits	1.201	89.56%
Other decisions (subsequent applications, appeals submitted after deadline, referrals to first instance)	125	9.32%

³⁸ European Council on Refugees and Exiles, *Asylum Information Database, National Country Report : Greece*, March 2017, available at: <http://www.asylumineurope.org/reports/country/greece>