

Input by civil society to the 2022 Asylum Report

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C o l l e a g u e s ,

The production of the *Asylum Report 2022* is currently underway. The annual [Asylum Report series](#) present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policy or practice in 2021 (and early 2022) by topic as presented in the online survey.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2022 contributions will be published on the EUAA webpage. For reference, contributions to the 2021 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please complete the online survey and submit your contribution to the 2022 Asylum Report by **Monday, 21 February 2022**.*

[Instructions](#)

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- New developments and improvements in 2021 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2021.

Please ensure that your responses remain within the scope of each section.

Contributions by topic

1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

Asylum seekers in the mainland do not have at all access to the asylum procedure, unless they have undergone reception and identification procedures at the RIC of Fylakio (located at the borders with Turkey – area of Evros). Those hosted in the sites of Northern and Central Greece (where DRC Greece supports the government to manage them) are referred by the sites managers at the RIC of Fylakio to undergo reception and identification procedures and file their asylum claim. However, asylum seekers who live in the urban context cannot file their claims with asylum offices. To ensure the access of these asylum seekers to the asylum procedure, the Secretary General of the Ministry of Migration and Asylum has published on 24.11.2022 a circular that provides that they should undergo reception and identification procedures before filing their claims in accommodation centers of the mainland that will be indicated for this purpose.

(https://www.efsyn.gr/politiki/kybernisi/320667_atakti-ypohorisi-toy-ypoyrgeioy-metanasteysis-gia-nisia-kai-ebro). However, these centers were not operational until the end of the reporting period. Access to the asylum procedure in the mainland for those living in the urban context is ensured only for asylum seekers who are supported by lawyers and for those who are considered vulnerable.

Rejected asylum seekers who want to submit subsequent application do not have access to the procedure for the registration of their new claim. The Skype system is not operational and unless they are assisted by a lawyer, they are unable to contact asylum offices to book an appointment for the registration of their claim.

On the other hand, asylum seekers who filed the subsequent application are complaining that case workers of Asylum Service do not allow them to submit documents that support the admissibility of their case.

Another obstacle for the submission of the second subsequent application is the fees that are provided by article 89 par. 10 of Law 4636/2019 (<https://www.kodiko.gr/nomothesia/document/572171>) that states that for every subsequent application after the first one the applicant should pay 100 euros fees. In this regard it was clarified that the fees should be paid per person and not per case.

Answering at the relevant parliamentary question on Greece's compliance with EU law in the processing of asylum applications (https://www.europarl.europa.eu/doceo/document/E-9-2021-005103_EN.html) the Home Affairs Commissioner stated that "2. Article 38(4) of the Asylum Procedures Directive provides that 'Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II'. While Chapter II of the Asylum Procedures Directive does not regulate the question of a fee, the Commission has indicated to the Greek authorities that the unconditional application of a EUR 100 fee for second subsequent applications raises issues in terms of effective access to the asylum procedure. 3. The condition for the application of Article 38(4) of the Asylum Procedures Directive is that 'the third country does not permit the applicant to enter its territory'. If that condition is met, Member States shall ensure that access to a procedure on substance is given, and therefore shall not reject the subsequent application as inadmissible on the basis of the safe third country concept" (https://www.europarl.europa.eu/doceo/document/E-9-2021-005103-ASW_EN.html).

Asylum seekers with serious mental health problems do not have access to the asylum procedure because they are not appointed judicial representative by the Courts for practical reasons; while the Courts need the relevant medical certificate to proceed with the appointment of the judicial representative, the applicants do not have access to medical services because they are not holders of the relevant provisional social security number that is issued to registered asylum applicants.

2. Access to information and legal assistance (including counselling and representation)

Applicants that are provided legal aid by Asylum Service to present their cases before the Appeals Committees have limited access to the provision of information and to the communication with the lawyer who is appointed to support them for practical reasons that are related with the procedure that is implemented by Asylum Service in these cases. In one case it was observed that because of this gap the applicant was not informed that he should ask a certificate of residence by the site manager for his case to be examined on the merits and his appeal was rejected as inadmissible. Furthermore, it was observed that applicants who request asylum authorities to get copies of their asylum files are referred to the lawyers working in the accommodation sites. This practice of asylum authorities deprives asylum seekers from the self-sufficient servicing.

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

N/A

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

N/A

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

In 2021 Greece has legislated that Turkey is a safe third country for nationals of Afghanistan, Syria, Somalia, Bangladesh and Pakistan, Albania for asylum seekers who enter Greece from the Albanian – Greek borders and Northern Macedonia for the asylum seekers who enter Greece from the North Macedonian-Greek borders. This legislation affects mainly applicants from Syria that are stuck on Aegean islands without the examination of their claims on the merits, while they are not readmitted by Turkey (after the closure of borders in March 2020). For the above nationals, the law is implemented irrespective of the point of entry in Greece and of the type of procedure used for the examination of the asylum claims (ie. normal, borders procedure etc). While Asylum Service has reportedly issued an internal circular that states that the safe third country concept is not applied in the cases of applicants who are away from Turkey for more than one year, it was observed that not all case workers complied with it.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

Asylum applicants hosted in the accommodation sites and in other accommodation schemes that are managed by the Greek state are entitled to cash assistance and to the reception conditions that are provided by the relevant Directive. Discrepancies in their access to both cash and food assistance was observed after the handover of the cash program by UNHCR to the Greek Government. Since October 2021, asylum seekers hosted in the accommodation sites of the mainland did not have access to cash assistance while those rejected but vulnerable (such as, children, single women, applicants with mental/medical issues etc) did not have access to food.

Besides the COVID 19 restrictions that affected the implementation of the non-formal educational programs, in some cases it was observed that children who were not issued the COVID 19 Special Social Security Number or who were not holders of the Provisional Social Security Number (issued to asylum seekers to access medical services) could not report the results of their self-tests at the special platform and, therefore, were unable to attend schools.

7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

N/A

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)

While it was observed that according to the new practice of Asylum Service the case worker who drafts the decision on the asylum claim is not always the one who has conducted the asylum interview, the practice of asylum authorities not to always link the cases of family members risks leading at the issuance of different decisions for the members of the same family, a practice that renders the asylum procedure not fair and not efficient. Furthermore, it was observed that the case workers who conduct asylum interviews do not refer victims of torture or GBV survivors to specialized services for further assessment and prefer to reject their claims as incredible.

The practice of “fictitious” notification of asylum decisions is of concern. The refugee law provides for the possibility of handing over the decision issued on the asylum claim to the Head of Asylum Office that has issued it, when the applicant is not found at the address, he/she has declared. While in these cases the applicant is not at all informed on the outcome of the examination of his claim, it was observed that the asylum authorities proceeded with the so called “fictitious” notification in the cases of applicants hosted in the accommodation centers that are managed by the Ministry of Migration and Asylum and, therefore, their address was known to them. This “fictitious” notification affects irreparably the right of rejected applicants to effective remedy because they do not have access to any document of the notification procedure that proves the date the decision was notified but also the starting date of the deadline for the submission of the appeal.

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)

Based on observations that are related with the assessment of the security situation in Afghanistan, it is documented that Appeals Committees copy the reasoning and the COI information of the first instance decisions that are challenged before them. This means that they do not assess the case as if no first instance examination took place, as they ought to. Furthermore, they never comment the claims of the applicant that are included in the appeal or in the memo submitted before them. In addition, they never respond to requests for complementary interview, even when the interview that was conducted at first instance was of bad quality or even abusing.

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

N/A

11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

Challenges for vulnerable asylum applicants include: lack of meaningful access to quality services (Insufficient service providers (psychologists, social workers, psychiatrists, pedo-psychiatrists etc), lack of interpretation services for all languages (huge gap in somali), different level of services and quality depending on the locations (urban centers vs rural cities). discriminatory behaviors by personnel working in the public sector, lack of materials/information for illiterate and people with vision and hearing problems, lack of accessibility for people with mobility issues, lack of information on specialized services (identification etc) for VoT and survivors of trafficking, lack of transportation especially for those residing in rural remote locations who are in need to travel to contact asylum authorities, lack of interpretation at the hospitals and at the hosting sites: Patients hosted in the accommodation sites who are treated by the medical actor of the site (EODY) are not supported nor accompanied by an interpreter of the medical actor or by an interpreter hired by the hospital when they are in need of medical services provided by hospitals. This results to the lack of proper medical care for the patients. The gaps observed in the access to medical services regarding interpretation affect the quality of the age assessment procedure but also other medical services that are needed for the assessment and/or identification of VoR and GBV or trafficking survivors.

Asylum seekers without legal capacity and supportive environment in Greece do not have access to the procedure provided by article 1671 of the Civil Code. They cannot suggest who will represent them nor the persons who will participate at the Monitoring Council. Furthermore, it is questionable whether there are available institutions to take care of them and whether these institutions are willing to submit on their behalf the asylum claim. In addition, medical reports that are issued for documented asylum seekers are vague or present the social and communicational challenges of the person in a way that does not reflect their medical condition or their ability /capacity to take care of their personal affairs. As a result, the Court cannot assess their judicial capacity. In this respect, it was communicated by EODY (the medical actor that operates in the accommodation sites) that the relevant tools used by the Greek Hospitals, that measure the capacity of the patients to take care of their personal affairs are customized for the greek population and not for the refugees. As a result, these reports are inaccurate.

12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

The First Instance Court of Athens has issued the decision No. 8988/2021 that ruled on the divorce of two Syrians that are granted international protection in Greece. The decision implements the Regulation 2201/2022 for the competency of the Greek Courts to rule the case, the Greek Civil Code and articles 12 and 16 of the 1951 Geneva Convention for the substantive applicable law on the divorce and the custody of the children.

13. Return of former applicants for international protection

Rejected asylum applicants hosted on the islands of Eastern Aegean are not readmitted by Turkey since March 2020, and therefore continue living in Greece in limbo, without access to the basic needs. The problem is worsened because the Greek Asylum Authorities refuse the examination of their asylum claims on the merits, by rejecting the subsequent applications they are filing on admissibility grounds. Syrians and Afghans are affected by this practice.

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

N/A

15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

N/A

16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))

HIAS, RSA, GCR, Asylum Case Law Report--Greek - Δελτίο Νομολογίας Ασύλου 1/2021, https://www.hias.org/sites/default/files/deltionomologias_1_2021_gr.pdf

17. Other important developments in 2021

Ministerial Decision 458568/2021 - List of Safe Third Countries, published in the Official Gazette 5949B/16. 12.2021, available at: <https://migration.gov.gr/wp-content/uploads/2021/12/%CE%A6%CE%95%CE%9A-%CE%92%CE%84-5949-%CE%B1%CF%83%CF%86%CE%B1%CE%BB%CE%B5%CE%AF%CF%82-%CF%84%CF%81%CE%AF%CF%84%CE%B5%CF%82-%CF%87%CF%8E%CF%81%CE%B5%CF%82.pdf>

References and sources

18. Please provide links to references and sources and/or upload the related material in PDF format

On Turkey, considered safe third country for the nationals of Afghanistan, Syria, Somalia, Pakistan and Bangladesh, Greece deems Turkey “safe”, but refugees are not:
The substantive examination of asylum applications is the only safe solution for refugees, https://drc.ngo/media/0yldzzml/greece_pr-turkey-safe-country_en-final.pdf

On the registration procedure adopted by the Ministry for the Migration and Asylum for the NGOs providing assistance to asylum seekers and refugees, Joint statement by 19 organisations active on refugee issues in Greece, https://drc.ngo/media/1naiuxnm/greece_jst_ngo-registry_en.pdf

The right to asylum in the context of “instrumentalisation” – Lessons from Greece, <https://drc.ngo/media/l5ldwp3g/the-right-to-asylum-in-the-context-of-instrumentalisation-lessons-from-greece.pdf> (document produced following the events at the Poland, Lithuania and Latvia), <https://drc.ngo/media/l5ldwp3g/the-right-to-asylum-in-the-context-of-instrumentalisation-lessons-from-greece.pdf>

DRC, Relocation from Greece - Lessons learned and looking ahead, <https://drc.ngo/media/zsfhtl5g/greece-joint-relocation-paper-02-nov.pdf>

Comments on the Bill amending deportation and return procedures, residence permits and asylum procedures, June 2021, https://drc.ngo/media/ga0hjro/greece_comments_deportation-bill_eng.pdf

New reception facilities in Greece reinforce a policy of refugee containment and exclusion, September 2021, <https://drc.ngo/media/bqofj1hj/greece-09-21-walling-off-welcome-joint-policy-briefing-september-2021.pdf>

For A Europe That Truly Protects - Joint NGO Policy Brief on the Screening Regulation Proposal, https://drc.ngo/media/wkbmedqr/greece_eu-pact_report_screening-short-version-final_eng.pdf

New Pact on Migration and Asylum - Interpretation of relevant provisions in the case law of the Greek administrative courts, April 2021, https://drc.ngo/media/34ud4uis/greece-ceas_caselawbriefing_%CE%B5%CE%BD.pdf

The Workings of the Screening Regulation - Juxtaposing proposed EU rules with the Greek reception and identification procedure, January 2021, https://drc.ngo/media/daqpuwuf/screening_greece_correlation.pdf

HIAS, Refugees in Legal Limbo, https://www.hias.org/sites/default/files/hias_greece_refugees_in_legal_limbo_final.pdf

19. Feedback or suggestions about the process or format for submissions to the Asylum Report

Please upload your file

The maximum file size is 1 MB

e3df68db-f670-48cd-99b3-c1ac1d03407d/DIVORCE_OF_SYRIAN_REFUGEES_DECISION_No._8988-2021.pdf

Contact details

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I accept the provisions of the EUAA [Legal and Privacy Statements](#)

Useful links

[EASO Asylum Report 2021 \(https://euaa.europa.eu/easo-asylum-report-2021\)](https://euaa.europa.eu/easo-asylum-report-2021)

[Executive Summary -EASO Asylum Report 2021 \(https://euaa.europa.eu/executive-summary-asylum-report-2021\)](https://euaa.europa.eu/executive-summary-asylum-report-2021)

[Bibliography for the EASO Asylum Report 2021 \(https://euaa.europa.eu/sites/default/files/EASO_Asylum_Report_2021-Bibliography.pdf\)](https://euaa.europa.eu/sites/default/files/EASO_Asylum_Report_2021-Bibliography.pdf)

[Summary of legislative, institutional and policy developments in asylum in EU+ countries in 2019 \(https://euaa.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf\)](https://euaa.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf)

[National asylum developments database \(https://euaa.europa.eu/national-asylum-developments-database\)](https://euaa.europa.eu/national-asylum-developments-database)

[EASO Asylum Report 2021 Key Findings \(https://euaa.europa.eu/sites/default/files/key_findings.pdf\)](https://euaa.europa.eu/sites/default/files/key_findings.pdf)

[EU+ and Country Data \(https://euaa.europa.eu/sites/default/files/europe-country-data-2020.pdf\)](https://euaa.europa.eu/sites/default/files/europe-country-data-2020.pdf)

Background Documents

[Input by civil society to the 2022 Asylum Report.docx](#)

Contact

[Contact Form](#)

