

# Input by civil society to the 2022 Asylum Report

Fields marked with \* are mandatory.

D e a r

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](#)

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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

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**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)**

Along with the difficulties of the past, regarding the access to territory and access to asylum procedures, in 2021 new obstacles have arisen. At this point we have to remind that for the last years the point of access to the asylum procedures for the majority of people on mainland Greece, Crete and Rhodes was the Skype pre-registration system following an in-person registration at Regional Asylum Office's and Asylum Units.

However, on 22 November 2021 a Circular was issued by Secretary General of Immigration Policy, stating that the asylum claims would from then on be registered only in the Reception and Identification Centers of Samos, Chios, Lesbos, Leros, Kos and Orestiada. Following the outcry of the opposition party Syriza, a new Circular was issued on 24 November 2021 stating that only those who enter Greece via the Aegean sea would be transferred to RICs on the islands. The rest of the people who enter Greece via the mainland would be registered in undisclosed "designated spots" on the mainland. The same day a Clarification was issued by the Commander of the Asylum Service, stating that the Skype system would no longer be used for first instance applications but will continue to be used for subsequent applications, declaring that these changes are necessary for purposes of "control" and confirming that there will be two sites on mainland Greece for the registration of asylum applications, one in the north and one in the south but that the location of these sites was yet to be decided. This new policy is already causing major implications in that it means that in practice there has been no access to asylum for the majority of people on mainland Greece since 22 November 2021. Moreover, the severe matter of high number of pushbacks that have kept on being reported throughout 2021 and early 2022 means that people who enter Greece often know that there is a possibility they will be pushed back to Turkey, which, along with the big journey needed, is preventing the majority of people in mainland Greece from traveling to (the only available) Fylakio Reception and Identification Centre in Evros to register their asylum claim. (<https://reliefweb.int/report/greece/control-and-containment-changes-access-asylum-mainland-greece-crete-and-rhodes-january>)

In practice, it is expected that skype will continue for subsequent applications and for those with Police Notes, and the online self-registration will continue for those with recorded will to apply. We must point out, that up to this moment, there are still no "designated spots" for registration and those appearing in the Asylum Service without any documents, are not served and are referred to the future announcement of the designated points.

Fortunately, the unaccompanied minors and separated children (UAC) are exempted from the above and their access to asylum continues as in the past. As far as UAC are concerned, there has been improvement, as the National Tracing and Protection Mechanism for unaccompanied children was launched in April 2021 thus giving the possibility to a big number of them to have access to emergency accommodation facilities and special procedures of registration at the RAOs of Greece, through the immediate intervention of the Special Secretariat for the Protection of Unaccompanied Minors. However, this has not been the situation for the UAC that did not wish to enter the National Mechanism (falling out) who still face difficulties in accessing all kinds of services.

(<https://ddp.gr/en/greece-launches-national-tracing-and-protection-mechanism-for/> )

(<https://migration.gov.gr/en/apologismos-draseon-2020-2021-tis-eidikis-grammateias-prostasias-asynodeyton-anilikon-2/>)

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

From our experience in the field, we observed a huge gap in access to information and legal assistance. Many of the UAC we support, who have passed from a hotspot from a Greek Island, or through the northern borders have not been informed regarding their rights and the asylum procedure properly or sometimes have

not been informed not at all. Lack of information and the threat of unjust deportation causes asylum seekers in Greece to be fearful of police and detention as they are unaware of how long they will be held, what their rights are and if they will be granted access to the asylum procedure. People who enter Greece often know that they are likely to be pushed back to Turkey, having either been pushed back previously themselves, or due to knowledge of the high numbers of pushbacks that occur. Following the Circular in November 2021 (q. 1), applicants' lives were gravely impacted. The Ministry of Migration and Asylum is yet to make any announcement detailing how people should now claim asylum. (<https://www.mobileinfoteam.org/livesonhold>). Incomplete information provided by the State has left people in an information void. There are currently no details available on how and when individuals can enter the asylum system. It is deeply concerning that the Greek authorities are denying people access to the asylum system without offering any interim measures or information on how and when people can expect to register their asylum claims. (<https://www.mobileinfoteam.org/control>)

Another main issue throughout 2021 (even until today) had been the renewal of the asylum cards - former trifolds- of asylum seekers. During the first months of 2021, an extension was given to international protection applicant cards, as part of the preventive measures against the spread of Covid-19. (New extension of residence permits, blue certificates and asylum seeker cards - Generation 2.0 (g2red.org). Later, applicants – holders of the old tri-folds had to go to the relevant RAO to replace it with the new asylum card. Applicants were supposed to check their appointment in the platform of the Ministry of Immigration and Asylum - <https://apps.migration.gov.gr/applicant-card-rv/search>. In some cases, though, applicants were not given any appointment when checking with the platform. Thus, many would go to RAOs trying to find out what they were supposed to do, only to be told to wait for further announcements. In the end of 2021, asylum seekers were expected to apply for an appointment to renew their asylum cards via the platform - <https://applications.migration.gov.gr/apps/type-9-applications/create>, provide a valid email in the application, where they would receive the details of their appointment. All the above, were the different practices of the Asylum Service concerning the renewal of the asylum cards, of which asylum seekers had no means of being informed, let alone in a timely manner.

With the establishment of the National Mechanism operated by SSPUAM, UAC are placed in transit accommodation and about a month later are transferred to long-term accommodation, based on a formal assessment of the child's needs, background and options available in Greece. UAC have access to psychosocial and legal support during the transit period and later in the shelters. However, the significant number of UAC who do not wish to be taken under the National Mechanism, faces difficulties in accessing all kinds of services, with emphasis to legal assistance. They mostly depend on legal services offered by NGOs. Nonetheless, such services have been severely cut down due to lack of funding. Also, strangely enough, this rather significant number of UAC that chose not to be included in the National Mechanism are not even mentioned in the statistics published by EKKA in the bi-weekly updated report on the situation of UAC in Greece based on accommodation referrals sent to the Service for the Management for Accommodation Requests of UAC ([https://www.ekka.org.gr/images/STATISTIKA/EN\\_EKKA\\_Dashboard\\_20211231.pdf](https://www.ekka.org.gr/images/STATISTIKA/EN_EKKA_Dashboard_20211231.pdf)). Thus, those UACs are "invisible" in the State's statistics.

Additionally, there was an interim guardianship program implemented by EKKA through METAdrasi from February 2021 which concluded on 23.08.2021. SSPUAM, despite knowing that it would take over, does not seem to have been prepared to ensure at least a transitional period so that children are not left unrepresented. (<https://socialpolicy.gr/2021/09/%CE%B5%CF%80%CE%B9%CF%84%CF%81%CE%BF%CF%80%CE%B5%CE%AF%CE%B1-%CE%B1%CF%83%CF%85%CE%BD%CF%8C%CE%B4%CE%B5%CF%85%CF%84%CF%89%CE%BD-%CE%B1%CE%BD%CE%B7%CE%BB%CE%AF%CE%BA%CF%89%CE%BD-%CF%87%CE%B9%CE%BB.html>). The absence of Authorized Representatives is followed by challenges during the identification procedures, asylum procedures/RAO registration and Dublin reunion as well as the age assessment procedures.

### 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)

The gaps in interpretation and cultural mediation remains a serious barrier to asylum seekers and beneficiaries of international protection accessing the country's administrative services. For example, due to the complete lack of interpretation services in the Attica Department of Foreigners, the beneficiaries of international protection are unable to communicate with the authorities upon arrival to obtain fingerprints for the issuance or renewal of ADET or travel documents. Moreover, in the field of health, hospitals across the country continue to face critical shortages in interpreting services to ensure communication with patients. The problems are even bigger with the so called “rare” speaking languages like Bangla, Tigrinia or Somali or other African dialects, while it is important to mention that still there is no national catalog or list with certified and qualified interpreters who are hired by the State and provide interpretation services. It is therefore necessary to meet the interpretation needs of all territory. (<https://rsaegean.org/el/category/themata/entaksi-kai-koinonika-dikaiomata/aitoyntes-asylo/>)

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

During the first half of 2021, big problems arose regarding transfers under Dublin Regulation of asylum seekers with positive family reunification requests. More specifically, for reasons that are not openly explained, the Ministry as of 1/1/2021 failed to sign a new contract with a travel agency that would issue the one-way flight tickets for the beneficiaries to join their families. This meant for many that they could not travel, only due to administrative obstacles that are easy to solve. Hence, this caused a delay of the transfer, which in any case needs to be carried out in six months from the time a Member State accepts a family reunion.

Failing to transfer applicants in this time means that the responsibility to examine their asylum case falls back to Greece, who will now have to examine their asylum cases in Greece, separating them from their families. ([https://www.efsyn.gr/ellada/dikaiomata/298597\\_i-kybernisi-dielyse-oneiro-ton-xerizomenon](https://www.efsyn.gr/ellada/dikaiomata/298597_i-kybernisi-dielyse-oneiro-ton-xerizomenon))

Among such cases were spouses and unaccompanied minors, who had already been told that they would soon live together with their loved ones, and then saw their chances to be with their family vanish. Eventually, in some cases the receiving Member States agreed to accept the delayed transfers (in some cases new Take Charge Requests were submitted to the relevant MSs). Unfortunately, German authorities responded negatively to the relevant requests of the Greek Dublin Unit. Hence, dozens of asylum seekers were deprived of their right to live together with their family in Germany – even though Germany had already accepted to admit them. This is due to systemic failures of the Ministry of Migration of Greece. (Equal Rights Beyond Borders - Αρχική σελίδα | Facebook) Those applicants were then called upon to get used to the idea of extending their confinement in precarious conditions in Greece, unknown for how long or, even worse, to have their deportation ordered to safe third country Turkey based on the relevant JMD (please see q. 7), otherwise try to illegally reach Germany with all the lurking risks. ([https://www.efsyn.gr/ellada/dikaiomata/298597\\_i-kybernisi-dielyse-oneiro-ton-xerizomenon](https://www.efsyn.gr/ellada/dikaiomata/298597_i-kybernisi-dielyse-oneiro-ton-xerizomenon))

Another important point is that the Spanish Dublin Unit, continued its mandatory practice that commenced in 2020, to demand the submission of DNA tests in all family reunification cases regardless of the relationship

of the UAM and his/her relative, while the financial burden had to be covered by the applicants themselves and their families.

Additionally, issues arise regarding family reunification post Brexit. The final Take Charge requests were sent by the Greek Dublin Unit to Home Office in December 2020. Since January 2021, the UK has revoked the Dublin Regulations, therefore the Dublin Regulation as a whole no longer apply to the UK, thus many UACs being unable to be reunited with their families in the UK. There has been no agreement between the UK and the EU on the issue of family reunification. Any new application has to be an entry clearance application under/outside the Immigration Rules, which have stringent criteria, making it extremely difficult for an UAC to meet them and successfully reunite with their family. It is, therefore, highly likely that children get tired of the legal route and vanish to make their own way to the UK.

(<https://www.theguardian.com/global-development/2021/dec/22/last-young-refugees-arrive-in-uk-as-family-reunion-route-closes>)

Finally, deficiencies persist in the treatment of asylum seekers returned to Greece under the Dublin Regulation. Currently, following the designation of Turkey as a safe third country, returnees also face the risk of readmission back to Turkey. This decision comes against the backdrop of ongoing push backs of refugees at Greek land and sea borders, escalating since March 2020, as well as an intensification of immigration detention. At the same time, the Greek reception system is undergoing a gradual transformation through the dismantling of open housing facilities in favour of large-scale “closed controlled centres”, while a coherent policy to support integration of people granted international protection is still lacking.

Despite these circumstances, EU Member States and Schengen Associated Countries continue to send thousands of Dublin take back requests to return asylum seekers to Greece. In line with a Recommendation from the European Commission, Dublin transfers to Greece are carried out following the provision of individual assurances by the Greek Dublin Unit relating to the treatment of returnees in line with the EU asylum acquis. (Dublin returns to Greece - R.S.A. ([rsaegan.org](http://rsaegan.org)))

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

On 7 June 2021, the Greek government published a new Joint Ministerial Decision (“JMD”) designating Turkey a safe third country for asylum seekers from Syria, Afghanistan, Somalia, Pakistan, and Bangladesh. Thus, asylum seekers from these countries can be returned to Turkey without an examination on the merits of their asylum application. Practically speaking, this means that during the asylum interview, asylum seekers are only asked questions about whether Turkey can be considered a safe country for them and not about why they fled their country of origin and whether they can be returned there. Greece made the above declaration without providing any legal reasoning, referring instead to an “Opinion” issued by the Head of the Asylum that was made public only after legal interventions by HIAS Greece and Equal Rights Beyond Borders. Contrary to Art. 86(3) of the Greek Asylum Law 4636/2019, the “Opinion” is simply a compilation of sources of information about Turkey and contains absolutely no legal reasoning as to why these sources lead to the conclusion that Turkey is a safe third country for asylum seekers from the five countries. In fact, the sources mentioned in the “Opinion” seem to rather substantiate the opposite conclusion.

(<https://equal-rights.org/en/news/press-release-opinion-stc/>)

Different approaches have been followed regarding the UAC from the above nationalities, others being interviewed only on admissibility grounds and other also on merits in the same interview.

It has been strongly advocated that the above decision should be revoked as Turkey does not meet the criteria to be declared a safe third country. Furthermore, the unworkability of this new law is highlighted, since as far back as March 2020, Turkey is not accepting the return of refugees and asylum seekers from Greece which has been pointed out by Greece’s Ministry of Migration and Asylum as well as the European Commission. In fact, as has been pointed out in relevant interventions by the Greek Ombudsperson, and more recently in a reply by the Commissioner for Migration and Home Affairs of the European Commission, in these cases applicants must be able to re-apply for asylum, and have their applications examined on their merits, in accordance with EU and national law.

(<https://ddp.gr/en/pr-greece-deems-turkey-safe-but-refugees/>)

**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)**

Following the Circular in November 2021 regarding access to asylum and registration of the asylum claims (please see q. 1), applicants' lives were immediately gravely impacted. Specifically, people seeking safety in Greece have no protection or support until they register their asylum claim. When people are forced to remain undocumented, despite their continued efforts to register their claims, they are deprived of all access to the health care system, labour market, accommodation and all social services - despite these being legal entitlements for people seeking asylum throughout Europe. It is only after the registration of an asylum application that people are entitled to an Asylum Seeker Card which gives them documentation to prove the legal basis for their stay in Greece. After registration, people are also granted a PAAYPA (provisional insurance and health care number) giving them access to the healthcare system, can apply for basic economic assistance, accommodation and after six months are permitted to work. The homelessness rate of people trying to access asylum on the mainland is very big; namely, the vast majority of people needing to register an asylum claim. Left without a safety net, people seeking asylum in Greece are forced to sleep on the streets, despite having suffered severe loss and trauma. (<https://www.mobileinfoteam.org/control>)

In addition, there have been developments in the fortification of camps across the country, with the construction of concrete walls or chain-linked fences around camps, updated surveillance technology and biometric entry and exit features. The new 'closed controlled centre' (KEDN) of Samos is equipped with such features, including 'double barbed wire metal fencing, CCTV throughout, and the 24/7 presence of patrolling police officers and privately contracted security officers'<sup>48</sup>. This camp is a harsh example of how people's movements are being severely restricted. People are only allowed in and out of the camp within certain time periods, are subject to security checks and, since 17.11.2021, those without valid government-issued IDs have been illegally detained, in violation of their right to liberty. (<https://bit.ly/3teLZnt>)

Collective concerns were raised by several Greek NGOs regarding the latest policy implemented by the Greek government since October 1st that has excluded thousands of persons from essential food provision. NGOs estimate that almost 60% of the residents of the Greek refugee camps on the mainland no longer have access to either sufficient or suitable food. This is causing severe distress and putting vulnerable people at risk. One in four in refugee facilities on the Greek mainland are women (including pregnant women and single-headed families) while 40% are children.

Asylum seekers with second instance negative decisions on admissibility are also excluded from food provision. Amongst these are nationals from five countries (Syria, Afghanistan, Somalia, Pakistan, and Bangladesh), to whom the concept of the safe-third country has been applied.

However, others who have not been granted protection are similarly excluded from food provision. This includes asylum seekers whose asylum applications were assessed on merit but later rejected and asylum seekers whose applications have not yet been registered due to chronic delays at the Asylum Offices of the Greek mainland. It has also been reported that food is not even provided in some places to people placed in quarantine for COVID-19. (<https://refugees.gr/denying-food-instead-of-receiving-protection-people-go-hungry-on-eu-soil/?lang=en>)

An important development is the compensation awarded by the Athens Administrative Court of First Instance to the family of a Syrian citizen, who died due to inhalation of carbon monoxide while trying to warm himself in Moria. The court recognized the obligation of the Greek authorities to protect immigrants from the cold and inhumane conditions in the Reception and Identification Centers (KYT) in accordance with national and European legislation (<https://www.lawspot.gr/nomika-nea/astiki-eythyni-gia-thanato-syrioy-diamenonta-sto-kentro-ypodohis-kai-taytopoiisis-sti>)

## 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)

As mentioned above on 7 June 2021, the Greek government published a new Joint Ministerial Decision (“JMD”) designating Turkey a safe third country for asylum seekers from Syria, Afghanistan, Somalia, Pakistan, and Bangladesh, despite the fact that, as far back as March 2020, Turkey is not accepting the return of refugees and asylum seekers from Greece. This means that refugees whose applications have been rejected as inadmissible according to the “safe third country” principle, are exposed to prolonged detention in Greece, which is at risk of turning into a prison. (<https://ddp.gr/en/pr-greece-deems-turkey-safe-but-refugees/>)

After the Lesvos Pre-Removal Detention Centre (PRDC) was destroyed by a fire at the Moria EU Hotspot in September 2020, Kos was the only island among the five Aegean EU Hotspots to have a functioning Closed Reception Facility, where the Greek authorities have detained nearly every asylum seeker who has arrived on the island of Kos automatically upon arrival. (<https://equal-rights.org/en/news/report-on-systematic-detention-of-migrants-on-kos/>)

However, on 18 September 2021, the first Closed Controlled Access Facility (CCF) of refugees was inaugurated in Samos, following the inauguration of two new CCFs in Kos and Leros, on November 27, 2021. CCFs are to follow in Lesvos and Chios. (<https://migration.gov.gr/o-ypoyrgos-metanasteysis-kai-asyloy-k-notis-mitarakis-egkainiase-ti-nea-kleisti-elegchomeni-domi-sti-samo/>, <https://migration.gov.gr/ked-samoy-kleisti-elegchomeni-domi-samoy/>) (<https://migration.gov.gr/inauguration-of-new-closed-controlled-access-centers-of-leros-and-kos/>)

The announcement of the intention of the Greek authorities for the creation of Closed Controlled Access Facilities in the islands of the Northeast Aegean, had already raised serious concerns regarding the risk of general imposition of detention measures. Shortly after the start of operation of the Closed Controlled Access Facility of Samos, these concerns were confirmed as a significant number of residents, without any prior information and / or written decision, were barred from leaving the Structure resulting in their de facto being detained.

(<https://www.gcr.gr/el/ekdoseis-media/reports/item/1839-i-nea-kleisti-elegxomeni-domi-samou-mia-apomonomeni-sygxroni-fylaki>)

With a decision on Friday, 17 December, the Administrative Court of Syros confirmed the unlawful character of the prohibition of exit imposed by the Greek state on residents of the recently operationalized CCF in Samos, in the case of an Afghan asylum applicant represented by the Greek Council for Refugees (GCR). (<https://www.gcr.gr/en/news/press-releases-announcements/item/1867-the-administrative-court-of-syros-ruled-unlawful-the-measure-of-prohibiting-the-exit-of-an-afghan-asylum-seeker-from-the-new-closed-controlled-access-facility-of-samos-ccf-samos>)

One and a half months after the issuance of the above decision, the Administration of the CCF in Samos continues and indiscriminately imposes the specific exit ban measure on all residents of the Facility who are deprived of asylum seekers' cards, without submitting in writing decisions imposing the specific measure and without providing explanations that justify the imposition of this measure, in direct contradiction with the reasoning of the Judgment of the Court. (<https://www.gcr.gr/en/news/press-releases-announcements/item/1893-kleisti-domi-samou-o-egklovismos-synexizetai>)

## 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)

The JMD (q. 5) causes serious concerns in that asylum applications submitted by applicants, including children, from these five countries can be rejected as inadmissible without any substantive application being assessed. The JMD is basically an attempt to transfer responsibility for most asylum seekers in Greece to a third country, without due process and sufficient guarantees. Many families with children, had their applications deemed inadmissible under the JMD and are pending before the Appeals Committees of AS. ([https://www.gcr.gr/media/k2/attachments/GREECE\\_GCR\\_Advocacy\\_Brief\\_July-August\\_21\\_final\\_GR.pdf](https://www.gcr.gr/media/k2/attachments/GREECE_GCR_Advocacy_Brief_July-August_21_final_GR.pdf))

When interviewed by GAS and EUAA, asylum seekers from these 5 countries are not given a full protection interview, but instead are only asked questions to determine whether Turkey could be considered a safe country for them to seek asylum. (<https://refugees.gr/denying-food-instead-of-receiving-protection-people-go-hungry-on-eu-soil/?lang=en>).

Nevertheless, it is publicly known that Turkey has indefinitely suspended readmissions from Greece since 16 /03/2020, and that, due to that, Greek Authorities have stopped sending readmission requests to Turkey based on the “Common EU-Turkey Statement” for rejected asylum seekers. Despite this, the Greek Authorities refuse to enforce article 86(5) of law no. 4636/2019 (Article 38(4) of Directive 2013/32/EU) and examine the merits of applications for international protection that have been rejected as inadmissible by GAS and the Appeals Authority on the basis that Turkey has been considered as a “safe third country” for the applicants. In reality their readmission to Turkey has been impossible for almost two years now and as a result they find themselves in Greece in a “limbo” situation, without access to basic human rights (such as accommodation, food and financial assistance). (<https://www.fenixaid.org/articles/fenix-calls-the-greek-authorities-to-examine-the-merits-of-asylum-applications-rejected-on-admissibility>)

In response, UNHCR recommends that Greece "reconsiders this extensive use of the admissibility review procedures in Greece, proposing fair, substantive and expeditious asylum procedures" and "provide unimpeded access to asylum procedures when an individual cannot be re-admitted to avoid situations of legal uncertainty and prolonged detention". ([https://www.unhcr.org/gr/22925-thesis\\_kai\\_systaseis\\_ypatis\\_armosteias.html](https://www.unhcr.org/gr/22925-thesis_kai_systaseis_ypatis_armosteias.html)) Also, the Commissioner Ylva Johansson stated that in those cases that third-countries do not allow returns, the Member State should ensure that the applicant has access to the asylum procedure and, in reexamining the application, consideration shall be given to the prospect of return in line with the EU-Turkey statement. ([https://www.europarl.europa.eu/doceo/document/E-9-2021-005103-ASW\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/E-9-2021-005103-ASW_EN.pdf))

Further to all this, the reaction of Greek politicians to the Taliban seizure of power in Afghanistan was to emphasize that Greece will seek to take measures to prevent the arrival of many refugees in the country. The emphasis on deterrence also means minimal preparation or contingency planning for potential arrivals. Also, the JMD, which designates Turkey as a safe third country for Afghans and limits their ability to seek asylum in Greece, combined with the continuation of "deportations" and alleged mistreatment of refugees in Turkey, means that Afghan children face innumerable and unacceptable risks when seeking asylum in Europe. ([https://www.gcr.gr/media/k2/attachments/GREECE\\_GCR\\_Advocacy\\_Brief\\_July-August\\_21\\_final\\_GR.pdf](https://www.gcr.gr/media/k2/attachments/GREECE_GCR_Advocacy_Brief_July-August_21_final_GR.pdf))

Finally, based on JMD 472687/2021 (Government Gazette B'6246 / 27.12.2021), there are clarifications concerning the fee of par. 10 of article 89 of law 4636/2019. It is provided that “1. ... For the submission of a subsequent application for international protection after the first one, which is submitted free of charge, the applicant submits an electronic payment of one hundred (100) euros with the proof of payment from the

collection body. 2. ... If the subsequent application is also submitted on behalf of members of the applicant's family, the payment of an equal amount is required, for each member separately." In practice, families with many children are deprived of their right to lodge a subsequent application because they cannot afford it. When asked about that, the Commissioner Ylva Johansson stated that Article 38(4) of the Asylum Procedures Directive<sup>1</sup> 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. ([https://www.europarl.europa.eu/doceo/document/E-9-2021-005103-ASW\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/E-9-2021-005103-ASW_EN.pdf))

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

Problems have arisen with the fictitious notifications of first instance decisions. In particular, the law provides for the notification of the decisions to the Director of the Asylum Service in case the asylum seeker is not at the address stated or his / her lawyer is not found. In the structures of Central and Northern Greece (where asylum seekers have known residence address, since they are hosted by the Greek State) but also in structures of the islands of the Northeast Aegean, the Asylum Service falsely notifies the decisions without having previously sought the applicant at the declared address or, in case he has a lawyer, looked for his lawyer. In many cases also it does not appear from any element of the administrative file, the ascertained not finding required by the legislator. In many cases there is not even evidence of fictitious notification but only a note in the system and a list containing a very large number of cases where fictitious notifications that took place en masse. This established practice of fictitious notifications of decisions without complying with the provisions of the relevant legislation results in the loss of the appeal deadlines (in the case of decisions of the Asylum Service) and application for annulment deadlines (in the case of decisions of the Appeals Committees) respectively, thus rejected asylum seekers are deprived of their right to an effective and effective remedy.

Problems are noted also regarding the access of asylum seekers who got first rejection to the lawyers of the Asylum Service Registry. Although rejected asylum seekers are informed of the protocol number of their application for legal aid (which they submit through the platform of the Ministry of Immigration and Asylum (<https://applications.migration.gov.gr/apps/type-7-applications/>) they have to expect a telephone communication from the relevant RAO in order to be informed if their request has been accepted, if a lawyer has been appointed and when they will meet with him/her. It is noted that the actual possibility of meeting with the lawyer depends on the diligence the respective employee will show in communicating with the lawyer. Moreover, the applicants are not provided with the name and contact details of the lawyer appointed for their case, while appeals are rejected as inadmissible because the applicants are not able to submit any supporting documents to the lawyer and because they are not informed of their obligation to submit a residence certificate. Due to the above system, there is no communication between the lawyers and the applicants before the appeal is filed and usually not at all with the applicants detained at the Attica Directorate of Foreigners (Petrou Ralli). In the rest of the RAOs the meeting is sought before the filing of the appeal, but very often there is a delayed assignment of the case to the lawyer, making it practically difficult to meet with the applicant before the deadline for filing an appeal. Many times the lawyers of the Asylum Service Registry have the file 1-2 days before the deadline and are forced to write an appeal from the data of the file. The fictitious notifications create great ambiguity regarding the date of notification and therefore the expiration of the deadline is not immediately available. The limited availability of interpreters makes it difficult to schedule appointments with lawyers and lawyers are often asked to send the appeal to a date earlier than the deadline for the convenience of each RAO.

Further, it is worth mentioning a major setback. To date, if a case of an unaccompanied or separated minor was rejected in the first instance, there was a legal possibility to refer the case to the Ministry of the Interior in the second instance for the child / young person to be granted a residence permit on humanitarian grounds, especially if the young person had already lived in Greece for many years (school education, social ties). With the recent law 4825/2021, this legal possibility is now abolished, leaving the ineligible young applicants without a legal framework during their transition to adulthood. This development, combined with the fact that the few accommodation structures for these young people (18+ or ESTIA II) provide only basic social support and absolutely no legal assistance, make these vulnerable applicants particularly insecure. ([https://www.gcr.gr/media/k2/attachments/GREECE\\_GCR\\_Advocacy\\_Brief\\_July-August\\_21\\_final\\_GR.pdf](https://www.gcr.gr/media/k2/attachments/GREECE_GCR_Advocacy_Brief_July-August_21_final_GR.pdf))

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

COI information is available through ecoinet, UNCHR and EUAA's COI publications, refworld, along with reports of Amnesty International and other International and European Institutions.

## **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)**

On 6th April 2021, the Special Secretary for the Protection of UAC of the Ministry of Migration and Asylum and UNHCR, the UN Refugee Agency, in collaboration with IOM, Arsis, METAdrasi and the Network for Children's Rights (NCR), launched the National Tracing and Protection Mechanism to rapidly identify UAC who are homeless or living in insecure conditions and transfer them to safe accommodation.

The Mechanism aims to provide an operational alternative to the practice of protective police custody (abolished with Law 4760/2020), which has been implemented for years in Greece, as an interim measure of protection, due to lack of age-appropriate care facilities. It includes a 24/7 telephone line for identifying and tracing children in need, available in six languages. The tracing line provides guidance to children, citizens, local and public authorities on steps and actions to be taken from the point of identification of an unaccompanied child until his/her timely inclusion in emergency accommodation. In July 2021, two emergency accommodation structures were put into operation (Vagiochori in Thessaloniki and Schisto in Attica) for the preparation of children before placement in a suitable structure (medical examinations, evaluation of best interests, etc.), and from November 2021 the new emergency structures operate in Elefsina (Attica) and Doliana, while a new structure is expected to open end of February 2022 in Poligiros (Chalkidiki).

(<https://ddp.gr/en/greece-launches-national-tracing-and-protection-mechanism-for/>) (<https://www.unhcr.org/gr/en/18899-greece-launches-national-tracing-and-protection-mechanism-for-unaccompanied-children-in-precarious-conditions.html> )

(<https://migration.gov.gr/en/grammateies/eidiki-grammateia-prostasias-asynodeyton-anilikon/>)

However, a big number of UAC do not wish to enter the Mechanism (falling out) thus not having access to the above services. The Mechanism intends to keep following up regularly on the cases of the falling out UAC, and also makes the effort to support them in case there is a wish from an adult (relative or not) to take their real care by an official order from the Public Prosecutor. (<https://ddp.gr/en/greece-launches-national->

tracing-and-protection-mechanism-for/ )

According to the latest statistics from the National Center for Social Solidarity (EKKA) there are currently about 2,230 unaccompanied children in Greece, of whom 1,638 UACs are in accommodation structures. From April 2021 up until January 2022, the Mechanism received 2,336 calls, which relate to 1,815 different cases of UAC ([https://www.ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91\\_2022/GR\\_EKKA\\_Dashboard\\_20220201.pdf](https://www.ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91_2022/GR_EKKA_Dashboard_20220201.pdf) ) (<https://migration.gov.gr/en/apologismos-drason-2020-2021-tis-eidikis-grammateias-prostasias-asynodeyton-anilikon-2/>)

The provision of foster care for UAM is under-functioning in practice, with the result that many children who could today be in families, are still in accommodation structures for UAC. Also, legal guardianship is still not functioning, although it was completely reformed 3 years ago, with Law 4554/2018. On the contrary, even the temporary solution offered by the the NGO "METADRASI" in collaboration with the EKKA finally expired in August 2021, with the result that from September 1 until today there is a serious deficit of protection for these children.

(<https://www.gcr.gr/el/news/press-releases-announcements/item/1838-asynodefta-anilika-anagki-enisxysis-tis-prostasias-tous>)

Finally, as regards the age assessment procedure, the implementation of the last JMD regarding the procedure to be followed is still not commonly operated all over Greece. The Special Secretariat in cooperation with the Reception and Identification Service (RIS) and IOM has implemented an additional action regarding pending age assessment requests under the relocation program, operating mobile units staffed with specialized interdisciplinary staff. Under this scheme, 206 age assessment tests were performed (apart from those handled by other competent authorities).

(<https://www.e-nomothesia.gr/kat-allodapoi/prosphuges-politiko-asulo/koine-upourgike-apophase-9889-2020.html>)

Although under the Mechanism children asylum applications are registered without delay, in cases of children outside the Mechanism multiples delays have still been noted, as a result of which they lose the special procedural guarantees provided for minors, in violation of the relevant provisions of Law 4636/2019 and JMD 9889/2020. Also there have been noted rejections of requests for change of data with the submission of original identities (tazkira in the case of Afghans) on the grounds of dubious authenticity of documents, a condition not provided in Article 79 par. 4636/2019.

## **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)**

Following the implementation of the provisions regarding the exit from housing facilities (Art. 111, L. 4674 /2020), thousands of recognized refugees, including mothers with young children, pregnant women, elderly people, and chronic patients, found themselves without shelter, living in public squares for prolonged periods of time. Many of the aforementioned individuals and families, having no viable alternatives, were thus compelled to return to camps in order to have access to the bare minimum, that is, water, food, shelter and primary healthcare. Others who had been granted protection status, remained in the camps beyond the new 30-day limit to try to avoid homelessness and food deprivation. The fact that thousands of beneficiaries of protection continue to stay in refugee camps, in substandard living conditions, reveals the lack of alternative viable options at their disposal. This reality is a direct result of Greek and EU failures to develop an effective

and resourced integration policy. The few existing EU-funded programs to support refugees' integration – such as ESTIA and HELIOS – have proven greatly insufficient to enable eligible protected individuals to find adequate housing and employment.

Despite the high unemployment, the lack of integration policy, the risks of homelessness, and the lack of access to essential documentation to obtain work, healthcare, or food, since October 1, 2021, the Greek government further restricted available supports. On top of calling for an exit from state-run accommodation, the latest policy enforced the provisions regarding discontinuation of all material reception conditions to protection status holders, including food. (<https://www.fenixaid.org/articles/denying-food-instead-of-receiving-protection-people-go-hungry-on-eu-soil>)

Thousands of refugees in the camps, were not given negative rapid test certificates which prevented them from moving freely. This is a completely punitive measure, which traps the refugees in the structures and deprives them of the opportunity to move to access work, shops, restaurants or entertainment, unless they turn to private diagnostic centers, quite difficult based on their financial situation. Moreover, the delay of the Ministry of Immigration in distributing bank cards deprived the refugees of the monthly financial support from the beginning of October 2021. ([https://www.efsyn.gr/ellada/dikaionomata/323283\\_egklobizoy-n-prosfiyges-stis-domes-sterontas-toys-rapid-tests](https://www.efsyn.gr/ellada/dikaionomata/323283_egklobizoy-n-prosfiyges-stis-domes-sterontas-toys-rapid-tests))

Also, the lack of access in the asylum procedure, creates further difficulties for unregistered asylum seekers who due to lack of legal documents could not be vaccinated against Covid-19.

Regarding access to school, the exclusion of refugee children from the education system has reached record levels. There is no regular detailed publication of statistics on the number of school-age refugee children present in the country, the number of children enrolled and the number of children actually attending formal education. The limited available official statistics demonstrate a sharp and rapid drop in enrolments of refugee children in public schools over the past two years, from 12,867 in June 2019 to 8,637 in March 2021. Education professionals stress that actual school attendance is at a dramatic low.

Exclusion is owed to a series of deficiencies in the implementation of the education framework, ranging from delays in the establishment of classes and recruitment of teaching staff, to unavailable or insufficient transport services. The movement restrictions due to Covid-19 measures, curtailed possibilities for children to access school, given that exit from camps was extremely limited. Also, most refugee children, among other disadvantaged population groups, did not have access to remote learning. Moreover, the IPA requires the authorities to enroll children within 3 months from their identification upon arrival in the country. However, children arriving through the land border face delays of several months before they can be registered and obtain the necessary documentation to enroll in public schools e.g. identity documents, proof of permanent address. Also, people living in camps as unregistered residents cannot be assisted in accessing education, since no guidance is provided regarding the treatment of this population group. (<https://rsaegean.org/en/excluded-and-segregated-the-vanishing-education-of-refugee-children-in-greece/>)

According to IRC, despite improvements due to decreasing numbers of unaccompanied children in Greece, “many children continue to be deprived of basic rights and services, such as access to healthcare, education, as well as services of psycho-social and legal support. “

(Greece: International Outcry Over Farce Trial of Rescuers, Drop in Asylum Seekers in State-Run Facilities, Unaccompanied Children Denied Family Reunification by EU States | European Council on Refugees and Exiles (ECRE)

### 13. Return of former applicants for international protection

**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)**

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

The Relocation Program that was initiated in April 2020, continued throughout 2021 and is expected to continue at least until March 2022. The Relocation initiative is being led by the Government of Greece through the Ministry of Migration and Asylum, the Special Secretary for the Protection of Unaccompanied Migrant Children (SSPUAM), the Greek Asylum Service, the Reception and Identification Service and the Greek Police with participating European states and is coordinated and funded by the European Union. IOM, UNHCR, UNICEF and EUAA fully support all aspects of the relocation process. The participating countries are Belgium, Bulgaria, France, Germany, Switzerland, Ireland, Italy, Croatia, Lithuania, Luxembourg, the Netherlands, Portugal and Finland.

The relocation scheme could be described as a positive practice, showing solidarity among EU+ States. From 15.04.2020 until 02.12.2021, 1.093 UAC were relocated (71,1% of total number agreed), while 89 UAC were expected to be relocated until the end of 2021.

Regarding demographics of the UACs relocated, 78% were teenagers between 15-17 years old, 18% were between 11-14 years old, 2% were between 6-10 years old, 1% were between 0-5 years old and 1% were 18+ years old. By gender, 92% of unaccompanied minors who have already relocated were boys and 8% were girls. In terms of country of origin, the vast majority were from Afghanistan, followed by Syria, Pakistan, the Democratic Republic of the Congo and Somalia. (<https://migration.gov.gr/apologismos-drason-2020-2021-tis-eidikis-grammateias-prostasias-asynodeyton-anilikon-2/>)

During 2020, while NCR was one of the partners that participated in the relocation scheme, we had observed some difficulties related to the lack of a transit accommodation for eligible UAC. More specifically, the different phases of the program are quite lengthy and during this time, the risk of losing trace of the UAC was high. A positive development in 2021 was the use of Elefsina Camp in Attica run by IOM, as a transit accommodation for UAC eligible to be relocated while waiting for the following steps.

While in Elefsina Camp in this pre-departure phase, assistance is provided to UACs to facilitate the relocation process. UAC are residing there until the necessary preparatory actions are completed. During their stay, IOM provides them with psychological support, interpretation, medical and legal assistance. IOM

caseworkers/cultural mediators are in contact with UAC in Elefsina Camp, taking care of their daily needs and ensuring that the process is completed smoothly. (<https://greece.iom.int/voluntary-relocation-scheme-greece-other-european-countries>) Last but not least, even though relocation scheme is considered a good practice, it remains unclear whether the BIA and interview that takes place under the relocation procedure are shared with the receiving State affecting negatively his/her asylum examination.

**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](#))**

**17. Other important developments in 2021**

## References and sources

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

All the links are written in each of the categories as sources.

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

More time for submission might be useful.

Please upload your file

The maximum file size is 1 MB

## Contact details

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Name and title of contact person

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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](#)

