Dear Colleagues,

The production of the Asylum Report 2024 is currently underway. The annual Asylum Report series presents 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, researchers and UNHCR. 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, policies or practices in 2023 by topic as presented in the online survey ('Part A' of the form).

We also invite you to share with us any publications your organisation has produced throughout 2023 on issues related to asylum in EU+ countries. These may be reports, articles, recommendations to national authorities or EU institutions, open letters and analytical outputs ('Part B' of the form).

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

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.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage. For reference, contributions to the 2023 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 submit your contribution to the Asylum Report 2024 by Thursday, 30 November 2023.*
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:

Part A:
✓ New developments and improvements in 2023 and new or remaining challenges;
✓ Changes in policies or practices, transposition of legislation or institutional changes during 2023;
✓ Across the different thematic sections feel free to make reference to issues related to the implementation of the Temporary Protection Directive at national level.

Part B:
✓ New publications your organisation produced in 2023

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

PART A: Contributions by topic

1. Access to territory and access to the asylum procedure (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)

Access to territory: Allegations on pushbacks on both sea and land borders continue to be largely reported during 2023 by authoritative bodies and human rights organizations. Since January 2023, GCR has submitted at least 151 interventions to the Greek authorities requesting humanitarian assistance and access to asylum procedures for more than 1874 people, including many children, from Syria, Turkey, Afghanistan, Iraq and Palestine who entered Greece from the Evros region seeking international protection. In approximately half of these interventions, the Greek authorities responded positively on locating them and providing them access to the procedures provided by law. Regarding the rest of the interventions, the Greek
authorities either did not reply or replied that they had not been able to trace them, while at least 598 people went missing or informally and forcibly returned to Turkey. Furthermore, since the beginning of 2023, GCR filed 11 applications for interim measures (Rule 39) before the European Court of Human Rights (ECtHR). The ECtHR granted the requested interim measures for all cases and ordered the Greek government not to remove the refugees from the country’s territory and to provide them with food, water and proper medical care. In most cases, the refugees were pushed back to Turkey after or while the ECtHR interim measures decision was pending (See GCR’s Information Note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks, updated on 15th November 2023).

Finally, GCR filed 3 full applications before the ECtHR on violation of the ECHR and their examination is pending before the Court by the time of writing. In one of the cases, the applicant claimed to have suffered two pushbacks, one in Evros and one in Lesvos, while in another case the applicants claimed to have suffered 4 pushbacks in Evros within a few days. Additionally, 1 case for which a full application on violations of the ECHR had been submitted in 2022, has been already communicated by the ECtHR to the respondent Governments, Greece and Turkey.

**Access to asylum procedures:** During the first semester of 2023, asylum seekers on the mainland were not able to access asylum procedures as the online platform, representing the only channel, was not in operation during most of the said period (only resuming operating on 21 August 2023). As a result, persons wishing to lodge an application could not do so, neither did they have access to reception assistance nor protection from arrest and detention. Further, people were arrested outside the Malakasa Reception and Identification Center, where they had arrived to seek asylum.

Following a report submitted by the GCR, the Greek Ombudsman, in his intervention in May 2023, reiterated that the exclusive filing of the registration scheduling request
through an online platform is an "additional administrative-technical restriction" hindering applicants' access to the asylum procedure.

Similarly, since 22 August 2022, persons wishing to submit a subsequent asylum application also have to first book an appointment through an online platform, also encountering challenges and delays. These delays have in some cases reached even 8 months. Between May 2023 and up until the beginning of July 2023 the specific platform was also not operational.

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

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)

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

   This year, again (had happened in 2021, too), the contract with the travel agency conducting Dublin transfers from Greece to other MS ended at the end of 2022 and this was not renewed at least until the beginning of April 2023, leaving many applicants in a waiting line for months, as all relevant transfers were temporarily suspended.

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

   Despite the fact that readmissions to Türkiye have been suspended since March 2020, the Asylum Service does not apply Article 38(4) of the Procedural Directive to applicants whose application is examined on the admissibility under the safe country concept vis-a-vis Türkiye. Thus, applicants subject to the Joint Ministerial Decision (JMD 42799/3.6.2021) designating Türkiye as Safe third Country for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh and Somalia, whose application is been
rejected as inadmissible, are deprived of access to an in merits asylum procedure and they face the risk to remain in legal limbo, without access to reception conditions and health care and in risk of detention. Appeals Committees do not apply Art. 38(4) of the Procedural Directive with regards applications having been rejected as inadmissible on the basis of the safe third Country concept vis a vis Türkiye despite the fact that readmissions to Türkiye have been suspend since March 2020. GCR together with RSA submitted an application for the annulment of the aforementioned JMD designating Türkiye as a safe third country before the Greek Council of State and the hearing took place on 5 March 2022. By a Decision issued on 3 February 2023, the Council of State refers to the European Court of Justice for a preliminary ruling on the interpretation of article 38 of 2013/32/EU Directive, since Türkiye has not accepted any readmissions from Greece since March 2020 (Council of State (Plenary) Decision no 177/2023).

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)

On the islands, the EU funded Closed Controlled Access Centers (CCACs) have been in a state of overcrowding. According to statistics published by the Greek Ministry of Migration and Asylum, by 10 November 2023, Kos CCAC had 3,777 residents while it has a capacity of 2,923, while Samos CCAC had 3,840 residents also over its capacity. On Samos, Kos and Lesvos islands, the newly arrived asylum seekers have been subjected to an informal detention regime until their registration; in cases for more than one month upon arrival. More specifically, in Kos, new arrivals have been de facto detained without a prior vulnerability assessment. Due to administrative failures in the management of increased arrivals, newly arrived asylum seekers had no possibility to exit the CCAC or have been even accommodated inside the Pre-removal Detention Center. Access to medical and mental health support have continued being a cause of concern, with shortages in sufficient professionals being reported particularly on the
islands. Kos CCAC’s residents have been left again without access to a doctor, following the departure of the medical staff at the end of October 2023. In Samos CCAC, a military doctor has been occasionally visiting the facility, a makeshift solution that cannot meet the needs of almost 4,000 residents. On 19 September 2023, the European Court of Human Rights granted interim measures to a resident of Samos CCAC, ordering the Greek government to provide proper and safe accommodation.

The situation is even more precarious at the sea entry points that are not equipped with Reception and Identification Centers (RICs) (see GCR et al, 9 November 2023). At these entry points, despite the steady flow of arrivals, there is no provision from the competent authorities of the State to cover even the most basic reception conditions. As a result, access for new arrivals to fundamental rights such as housing, food and health care, an obligation and responsibility of the central administration, is left to the discretion of local authorities and civil society. The island of Rhodes, which completely lacks infrastructure and reception services and where almost 5,000 people have arrived since the beginning of the year, is an illustrative example of the above.

In the mainland, the accommodation facilities have also overcome their full capacity, resulting in even extremely vulnerable asylum seekers (e.g. victims of torture, human trafficking, single-parent families, etc.) not having access to reception conditions. Concerning children, it is doubtful whether and to what extent child protection services are functioning. Asylum seekers with special medical needs, such as diabetics and cardiac patients, do not have access to adequate treatment and nutrition and/or are not identified in time, mothers cannot provide milk for their children, and families are looking for self-housing solutions.

Both in mainland and on the islands, dedicated child protection services are, in our experience, scarce, which constitutes a huge protection gap, especially given the rise
in the influx of asylum seekers from the summer 2023 onwards. During 2023, MoMA does not provide publically accessible data regarding the mapping of the services provided within camps, RICs and CACCs nor the number or other demographic data regarding the hosted population, including children and is, therefore, difficult to assess the situation at hand. What we gather, though, from our field work is that depending on each camp’s capacity and circumstances, there is usually a professional (either MoMA employee or EODDY or EUAA embedded personnel) appointed as a focal point for vulnerable PoCs (Vot, GBV, ThB) and/or children who, however, **does not have the mandate to do actual case management** (e.g. in cases of domestic or sexual violence, negligence etc.) and case’s follow up.

The **lack of medical personnel in the camps** (especially on the islands) mentioned above is a worrying condition that effects, of course, children as well. Regarding UASCs, a medical screening together with mantoux and scabies test was a precondition for children to be placed in shelters. As this was one of the main reason accounted for a significant delay in UASCs placements in late summer 2023, when more than 500 unaccompanied children were stuck on the Aegean islands, the General Secretariat for Vulnerable Persons and Institutional Protection abolished the perquisite of these transmittable diseases testing and now this is an obligation of the receiving shelter, although quarantine rooms do not exist anymore.

**Schooling** for children residing in the camps at the moment of writing (end of November 2023) subject to the hiring of teachers for the reception classes, especially regarding secondary education. Late operation of reception classes leads to school – drop out, as pupils and their parents find no reason for the children to be in a school where they cannot understand the language. Schooling for adult asylum seekers is not wide-spread, although there are the Second Chance Schools that are designed to cover the needs of the -mainstream also- population that did not have the opportunity to
finish compulsory education in Greece. One of the main reasons accounting for this, is the fact that in order for an adult to be registered in the Greek school system one needs to present a certificate of completion of the primary school from their home country, whereas in the context of international protection a solemn declaration should be enough to be enrolled and be given the opportunity to continue one’s schooling with the support of reception classes.

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)

Arbitrary arrest and detention in Pre-Departure Detention Centres (PROKEKA) of asylum seekers who have received registration appointments through the platform in Malakasa and Diavata: The Greek authorities arrested, issued a return decision, and detained in Pre-Removal Centres asylum seekers who, after accessing the Ministry’s platform, had been awaiting the date of their appointment at the Malakasa and Diavata RICs to complete the process of filing their asylum application. In at least 8 administrative court decisions, in cases supported by the GCR, the competent Courts have ruled that this practice is illegal and affirmed that the submission of an application for scheduling the asylum application registration on the online platform operated by the Ministry of Migration & Asylum, establishes the status of a person as an asylum seeker, despite the contrary practice that the Ministry applied, in complete contradiction with national, European and international legislation, as well as the now emerging national jurisprudence. The cases, supported by the Greek Council for Refugees (GCR), concerned asylum seekers who, despite having submitted an application for the registration of their asylum request to the online platform of the Ministry of Migration & Asylum and awaited the date given by the Ministry to complete the registration of their asylum request, were arrested and detained, in violation of the legislation in force; their arbitrary arrest and detention hindered them from going to the competent RIC to complete the filing of their application for international
protection. The Greek Ombudsman had intervened on the matter since 14 March 2023, following a report by the GCR and other organizations. In its intervention, the Independent Authority called, among others, on the competent authorities of the Ministry of Migration & Asylum to examine the removal of the problematic drafting of the documentary evidence received by persons who complete the scheduling of the asylum application registration on the Ministry's platform, which arbitrarily states that "the present document is not an expression of will but a proof of scheduling the registration" violating, according to the Ombudsman, the purposes and definitions given under the current legal framework. Also, the Authority called on the competent police authorities to ensure compliance with the provisions of the legislation in force prohibiting the issuance of a return decision to anyone who has applied for international protection status and the subsequent detention for that purpose. Finally, we note that a petition for violation of EU law on the same issue, filed by the GCR since December 2022 (CHAP(2022)03534), is pending before the European Commission.

**De facto detention of applicants arriving for scheduled registration appointment at the Malakasa and Diavata RICs:** During the reporting period, applicants seeking international protection who presented themselves at the Malakasa and Diavata RICs on the registration date set by the Asylum Service itself through the platform remained for an extended period—up to more than one month, in de facto detention. In the meantime, the registration procedure was not followed, the confinement decision within the RICs was not served, and the detained asylum seekers were not provided with information on their registration date. Following the applicable legislation and EU law, the applicants for international protection have acquired asylum seekers status after having accessed the Ministry's platform and applied for international protection. Thus, their de facto detention in the Makasa and Diavata RICs is against Article 50 of Law N. 4939/2022 and Article 8 of the Reception Directive (2013/33/EU). Indicatively, among the cases that the GCR has supported is the one of an Afghan national. The registration of the request for international protection took place 30 days after the
date on which it was initially set (29/3/2023) through the platform, resulting in the applicant remaining for the entire period (30 days) under restraint at the Malakasa Detention Centre. He was never informed of the reason for not being registered on the set date nor of the new registration date. The decision to restrict his freedom in the detention centre was issued only one day before the registration of his asylum application was completed and his de facto detention was lifted.

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, decision-making, timeframes, case management – including backlog management)

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

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

11. Issues of statelessness in the context of asylum (including identification and registration)

In Lesvos CCAC, a large number of persons claiming to be Eritrean nationals have been registered by Frontex under estimated nationality of Ethiopia, based on their birthplace or last residence place.

12. 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 Lesvos, newly arrived asylum seekers, de facto detained inside the Lesvos CCAC (in Mavrovouni area), were housed in large rubhalls. Men, women, and children, including UAMs and other vulnerable groups, were housed together in these rub-halls, without any privacy or special reception and safety measures to protect vulnerable people.
**VoTs:** Regarding Victims of Torture (VoTs), according to Article 61 of Greek Law 4636/19 (implementing Article 25 of Directive 2013/33/EU) the reception state, is required to provide specialized staff as well as continuous specialized training to public staff. However, there is a lack of specialist staff in the Medical and Psychosocial Unit of the RICs’ and CCACs’ Reception and Identification Services (RIS) and the General Hospitals in Greece.

**GBV:** There is no provision of special, safe and proper, reception conditions for Gender Based Violence (GBV) victims. Especially, on the islands, there is a lack of safe shelters, that in combination with the geographical restriction on the islands create barriers to access to justice for GBV survivors and, in cases, lead to re-victimization.

**UASCs:** bottleneck phenomenon in late summer 2023 due to increased arrivals and existing procedures (esp. medical, see above point 6). A point of concern constitutes the fact that shelters operate on unitary cost, meaning that they are not paid to have a quarantine (empty) room for cases of newly arrived children with transmittable diseases.

**Guardianship** is still not applicable in practice in 2023, as the public procurement procedure was cancelled and then started from the beginning, with final results being available in late autumn 2023. The first guardians are expected to be hired and trained till the end of the year, with a view of having 60 of them on the ground in the beginning of January 2024.

Regarding **foster care** in Greece, although steps have been taken, this is still not a mainstream option for UAMs. In the beginning of the year there were only 72 UAMs registered in the relevant foster care online platform, which is open for the time being for children aged 12 years old and below.
13. Content of protection (including access to social security, social assistance, health care, 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)

For young adults that came unaccompanied and reached adulthood in Greece (18+), a clause in the New Migration Code provides them with a 10 years residence permit, if they have concluded 3 years of schooling (see 14 March GCR and CRAN Press Release regarding the initial clause put in public consultation). In practice, though, even though the clause is already applicable by law, it is noted in practice that the Greek administration claims that a circular is expected for its application –although a JMD has already been issued- and deny to process application for such residence permits.

For UAMs, there’s still a blatant protection gap regarding access to a residence permit linked to the status of minority (see GCR and Save the Children report, Without papers, there’s no life”), even though the New Migration Code of April 2023 maintains the clause according to which children residing in boarding houses could benefit from a residence permit on humanitarian grounds.

14. Return of former applicants for international protection

15. 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)

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

17. National jurisprudence on international protection in 2023 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

See the Greek Asylum Case Law Report Issue 1/2023, published 5 July 2023, available

as well as

the ECtHR judgment on the violation of Article 3 of the ECHR (procedural part –failure to investigate the complaint) case no 60990/14, available at: https://hudoc.echr.coe.int/#{%22fulltext%22:[%2260990/14%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%222001-222656%22]}

18. Other important developments in 2023

**Pylos Shipwreck of 14 June 2023:** On 14 June 2023, the Adriana, a fishing vessel leaving Libya for Italy with hundreds of migrants on board, sank off Pylos, while over 600 people are dead or/and missing. The incident took place in international waters inside the Greek Search and Rescue (SAR) zone, meaning Greece was the coastal state responsible for initiating the necessary search and rescue operations. On 13 September 2023, 40 survivors of the deadly shipwreck in Pylos filed a *criminal complaint against all responsible Greek authorities* before the Naval Court of Piraeus. The survivors, represented by GCR, the Network for Refugee and Migrant Rights, the Hellenic League for Human Rights (HLHR), the Initiative of Lawyers and Jurists for the shipwreck of Pylos and Refugee Support Aegean (RSA), denounced a series of violations of the Greek authorities' obligations to protect the lives of those on board and demanded an effective investigation into the circumstances of the deadliest shipwreck to occur in the Mediterranean in recent years. The survivors submitted that the Greek authorities failed to immediately intervene and to organize a timely and adequate rescue operation despite their duty to rescue the passengers on board under International Law of the Sea, Human Rights Law, EU and domestic Law. Furthermore, the complainants alleged that the Greek authorities not only refrained from taking the
necessary rescue measures as soon as the vessel was sighted, but instead proceeded to an effort to tow the vessel that resulted in its capsizing and sinking.

Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2023


   - Intersos Hellas, HIAS Greece & GCR, *Being Hungry in Europe: an analysis of the food insecurity experienced by refugees, asylum seekers, migrants and undocumented people in Greece*, May 2023, available at:

- GCR, Updates from the Field: May 2023, 26 June 2023, available at: https://us17.campaignarchive.com/?e=[UNIQID]&u=a17b49d83fa56777a0be12c83&id=059ee5a596


- GCR, Submission to the Committee of Ministers of the Council of Europe concerning the groups of cases of M.S.S. v. Greece (Application No. 30696/09) and Rahimi v. Greece (8687/08), July 2023, available at: https://www.gcr.gr/media/k2/attachments/Summision_GCR_2023.pdf


2. If not available online, please share your publications with us at: Asylum.Report@euaa.europa.eu

3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

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