



Input by civil society to the EASO Annual Report 2016

EASO has started production of the Annual Report on the Situation of Asylum in the European Union 2016, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). The report will be finalised by collecting information from EU+ countries, civil-society stakeholders, UNHCR and other relevant sources on main developments in asylum policies and practices of EU+ countries in 2016.

Previous reports can be consulted on EASO's website: <https://www.easo.europa.eu/information-analysis/annual-report>

We would kindly like to ask you to provide your **observations**, preferably bullet points to facilitate further processing of your input - **on developments in asylum law or practice in 2016 (and early 2017) in the areas listed below, reflecting the usual structure of the report**. Observations may concern national practices of specific EU+ countries or the EU as a whole.

The EASO Annual Report will not describe the national asylum systems in detail but present key developments in 2016, including **improvements and new/remaining concerns**. The topics listed below reflect the structure of chapter 4 of the EASO report on the 'Functioning of the CEAS'. We kindly ask all contributors to provide brief summaries only on those topics/issues that have seen important **improvements/deterioration as well as new concerns or where previous relevant concerns remained in 2016**.

Please bear in mind that the EASO Annual Report is a public document. Therefore, your input should be, whenever possible, supported with references to written sources to ensure transparency. That can be done by providing links to any documents such as position papers, important press releases, studies, comments, input to the other reports, public statements to government programs, etc.

While EASO endeavours to cover all relevant developments and strives to include as many references as possible, the final content of the EASO Annual Report remains bound by its terms of reference and volume. Therefore, while all contributions are gratefully received and recognised, EASO may edit contributions for length and clarity and use the submissions to best serve the objective of the Annual Report: to improve the quality, consistency and effectiveness of the CEAS.

Please provide your input by filling in this document (with attachments if required) and emailing it to ids@easo.europa.eu AND consultative-forum@easo.europa.eu by **20 February 2017**.

Within the areas, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.
- Please use the topics listed below as a guide to providing input for each section. **DO NOT** provide information unrelated to relevant new developments.

Name of the contributing stakeholder:

METAdrasi- Action for Migration and Development

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1) Access to territory and procedure

2) Access to information and legal assistance

Joint Ministerial Decision 12205 with regards to the provision of free legal aid to applicants of international protection at second instance of the asylum proceedings, as per the provisions of Law 4375/2016, was published in the Official Gazette on 09/09/2016. However, as the procedures of establishment of the foreseen registry of lawyers were not completed, an MoU was signed between the Alternate Minister of Migration Policy and UNHCR for the provision of free legal assistance at the second instance of the asylum procedure, through partnerships, as an interim measure on the 29th of July 2016.

The number of the Independent Appeals Committees (art. 4-5 L. 4375/2016) was initially five, as per the provisions of Joint Ministerial Decision 9883/24.06.2016, and they were officially established on 20/07/2016 (Joint Ministerial Decision 3006). Their number was increased to twelve, as per the provisions of Joint Ministerial Decision 6373, which was published in the Official Gazette on 31/10/2016. On 14/12/2016 seven more Committees were established. The increase is expected to accelerate procedures at the second instance.

In 2016, METAdrasi provided legal assistance and representation to asylum seekers and persons in need of international protection on Lesbos, Chios, Samos, Kos, Leros. More specifically:

- In total, 1530 appellants have benefited from free legal assistance at second instance before the Greek Appeals' Committees in Lesbos (452) Samos (273), Chios (399), Kos (283), and Leros (123), as per the provisions of Law 4375/2016.
- In total, 778 persons falling under the category of vulnerable asylum seekers, in particular UAMs, family unity cases, cases of strategic interest, and detained asylum seekers, benefited from METAdrasi's legal aid team.

3) Providing interpretation services

During 2016, METAdrasi provided interpretation services through its pool of qualified interpreters in a wide range of languages throughout Greece, in the context of asylum procedure. More specifically:

- **110.486** interpretation sessions were conducted in **31** languages and dialects, amounting to
- 115.987:18:00 total hours of interpretation were provided to the Asylum Service

EASO's support to the Asylum Service in terms of interpretation has been significant, in terms of covering extra interpretation needs; however, it is worth mentioning that in conversations between NGOs operating in Greece and involved in the asylum procedure, concerns have been raised regarding the interpretation quality of interpreters contracted by EASO. In this respect, we suggest the evaluation of interpreters on behalf of asylum caseworkers.

4) Dublin procedure

5) Specific procedures (border, accelerated, admissibility)

On 09/11/2016, the Regional Asylum Unit of Leros started examining Eritreans and Iraqis on admissibility and the safe third country notion. Following this practice - also based on criteria of ethnicity, and not on the law - the Asylum Service in Leros, Chios, and Lesvos started registering en masse the claims of Eritreans, Yemenis, Afghans, Iraqis, and Iranians, who had arrived months ago, and examining their claims on admissibility. Vulnerable persons from said refugee producing countries were represented at the first instance by the METAdrasi's lawyers. Only a few decisions referring some of them to the regular procedure were issued, while the majority of the cases that have been examined on the first instance are still pending.

6) Reception of applicant for international protection:

7) Detention:

8) Procedures at First instance:

All below mentioned points refer to procedures at First Instance in the islands of Lesvos, Samos, Chios, Kos and Leros

- Problematic cooperation on behalf of the authorities (Asylum Service, Reception and Identification Service, and Police) and other actors (EASO included) with regards to provision of access to their services to lawyers (RAO of Lesvos has been especially problematic in this regard), and provision of information in general.
- In addition, the Reception and Identification Service and the Asylum Service keep separate files on the same person; at second instance there is no access to the files of the Reception and Identification Service and the latter do not accept the power of attorney to the lawyer without a verification of the signature of the beneficiary by Police (administrative practice followed in Moria).
- The impact of the lack of a proper mechanism of vulnerability assessment - which is of crucial importance in the context of RSD - and support services in the project locations, can be viewed also in the cases of survivors of torture or trafficking, or persons suffering from

mental health issues including PTSD, who are not properly identified by the authorities. In some instances they have not even undergone reception and identification procedures, and even in the cases that they have been identified as vulnerable by the Reception and Identification Service, this may not be taken into consideration by the Asylum Service as the two services do not have a common file system. In several instances torture survivors are not considered as vulnerable by EASO or the Asylum Service, because they do not present documentation proving the fact that they have been subjected to torture. This results in mass rejections of asylum claims at the first instance, and, by extension, the administrative practice of direct arrest and detention for the purposes of readmission/deportation of rejected asylum seekers upon notification of second instance decisions without notice to voluntarily leave the country.

- The quality of the asylum procedures on the first instance, based on interviews by EASO deployed caseworkers or newly recruited staff of the Greek Asylum Service, could be significantly improved. We have witnessed mass rejections on the basis of decisions with poor or inexistent reasoning, without individualized examination on behalf of the Asylum Service; this is especially the case for Syrians, as the Greek Asylum Service often issues identical negative first instance decisions for Syrians who have entered Greece through the islands, changing only the name of the applicants.

9) Procedures at Second Instance:

Given the fact that the asylum applicants are called to hearing only in the first instance procedures- from 15th July to 31st December 2016 the Independent Appeals Committees called only one out of 1530 beneficiaries on a hearing - the effectiveness of the provision of free legal aid at the second instance is directly and negatively affected, especially in cases where credibility issues arise, or vulnerable individuals with complex claims are concerned, whose case cannot effectively and fairly be determined from the file, on the basis of a flawed first instance procedure.

With regards to effectiveness of legal aid and of legal remedies available, it needs to be stressed out that two Presidents of the Independent Appeals Committees - including the one that issues negative decisions on Syrians - are in parallel acting judges and Presidents of departments of the Administrative Appeals Court of Piraeus, the Court competent to examine the annulment applications against second instance negative decisions on asylum applications requested in the project locations. The Courts' decisions on annulment applications with request for interim measures which have been brought by METAdrasi before it are awaited, and are expected to also have an impact on the project's operational context.

10) Availability and use of Country of Origin Information:

11) Vulnerable applicants:

➤ *Unaccompanied minors*

METAdrasi provides a comprehensive safety net for the protection of unaccompanied minors, who have been separated from, or lost, their parents: Escorting missions, Transit Accommodation

Facilities and pioneering initiatives for Guardianship and Foster Care.

- In 2016, METAdrasi out of the **1.727** unaccompanied minors escorted to safe accommodation facilities throughout Greece, approximately 80 of which were escorted for the purpose of submitting an asylum claim.
- METAdrasi's Transit Accommodation Facilities operate in Lesvos, Samos, Chios, and Athens (due to open in Thessaloniki). The facilities provide quality care and accommodation to unaccompanied children as alternative to detention in unacceptable conditions and can serve as temporary or more long-term accommodation for the most vulnerable groups (younger children, girls etc). Non-formal education activities are provided such as Greek and English language courses, creative activities, music lessons etc. In 2016, METAdrasi, hosted over **180** children in its accommodation facilities, the majority of which were supported in the context of the asylum procedure.
- The Guardianship Network for Unaccompanied Minors is an activity that was implemented for the first time in Greece by METAdrasi, in cooperation with specialist Norwegian, Belgium and Dutch organizations. In 2016, over **710** children were offered personalized support by **40** members of METAdrasi's Guardianship Network, the vast majority of which were supported in the context of the asylum procedure.
- Foster Care for Unaccompanied Children is a pioneering initiative that has been followed for decades in other European countries and offers full support as well as safe housing. It has been proven that staying with families is the optimal option for the child's best interest. Out of **21** children that benefitted from our Foster Care programme, 5 were reunited with their families in other European countries.

➤ *Victims of Torture*

During the past years, METAdrasi, taking into consideration the absence of competent authorities and the current lack of expertise on behalf of the Greek state made good use of the experience and knowhow of the qualified members of the Medical Rehabilitation Center for Torture Victims, and undertook the diagnosis and certification of victims of torture on the basis of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, otherwise known as the "Istanbul Protocol". In December 2016, acknowledging the lack of identification procedures of torture in order to support the asylum claim of victims who often do not receive the adequate attention for their particular situation, METAdrasi resumed said operation thanks to UNHCR's support. In this short period, METAdrasi managed to carry out 12 interviews with different individuals, confirming the high demand and, by extension, necessity of such activity, while there are many more requests pending.

The certificates issued by METAdrasi's team of experts (social worker, specialized legal expert, physician and psychiatrist), with the assistance of our qualified interpreters, are considered a key piece of evidence for the validity of one's asylum claim, enhancing a more fair determination of the asylum procedure.

12) Content of protection – situation of beneficiaries of protection

13) Return of former applicants for international protection

14) Resettlement and relocation

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15) Other relevant developments

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