

Input by civil society to the EASO Annual Report 2018

Fields marked with * are mandatory.

Input by civil society to the EASO Annual Report on the Situation of Asylum in the EU+ 2018

EASO has started the production of the 2018 Annual Report on the Situation of Asylum in the European Union, 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). [Previous reports are available at EASO's website](#)

While the final product comes out of an analytical and synthetic process that takes place in-house, a critical part of information is elicited through valuable contributions by a multiplicity of stakeholders from EU+ countries, civil society organizations, UNHCR, and other actors possessing in-depth knowledge on main developments in asylum policies and practices in EU+ countries.

We would like to kindly invite you to take part in this process, by sharing your observations on developments in asylum law, policy or practice in 2018 (and early 2019) in the areas listed on the online survey. The topics listed there reflect the structure of Chapter 4 of the EASO Annual Report, which focuses on the 'Functioning of the CEAS'. To this end, your observations may concern national practices of specific EU+ countries or the EU as a whole. You can fill in all or only some of the points. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2018, including improvements and new/remaining concerns. In terms of format, your contributions would be preferably offered in the form of bullet points, which would facilitate further processing of your input.

Please, bear in mind that the EASO Annual Report is a public document. Accordingly, it would be desirable that your contributions, whenever possible, be supported by references to relevant sources. Providing links to materials such as analytical studies, articles, reports, websites, press releases, position papers/statements, and press releases, would allow for maintaining transparency. For your reference, you may review the [contributions offered by civil society actors for the 2017 Annual Report](#). If you do not consent on EASO making your submission available, please indicate so in the relevant part of the online survey.

In our effort to provide an inclusive overview of all relevant developments, we strive to incorporate as

many contributions as possible. At the same time, the final content of the EASO Annual Report is subject to its set terms of reference and volume limitations. To this end, your submissions, which are gratefully received and acknowledged, may be edited for length and clarity so that the final product concisely serves the objectives of the Annual Report: to improve the quality, consistency, and effectiveness of CEAS. From our side, we can assure you that the valuable insights you offer feed into EASO's work in multiple ways and inform reports and analyses beyond the production of the Annual Report.

Please, kindly provide your input completing the online survey by **Thursday, 28 February 2019**.

Instructions

Within each area, 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.**

You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.

Prior to completing the survey, please take a moment to review the list of areas and the types of information that needs to be included in each area.

Please contribute your feedback online or copy and paste your answers from an editable type document

Questions

1. Access to territory and access to asylum procedure (including first arrival to territory and registration)

Access to territory and access to asylum procedure (including first arrival to territory and registration)
On Lesbos it has been observed that the access to asylum procedure for newcomers is managed by Hellenic police in cooperation with FRONTEX. They are registering them through a procedure that is not described in the legislation. Newcomers are not allowed to be present at the interviews with their counsellor and/or lawyer, nor to get copies of their files after completion of the interview. This practice is extremely problematic as it has been observed that the registration of applicant's personal details, including names, date of birth, nationality/citizenship is not always correct, thus creating problems at the stage of their registration with Reception and Identification Service and Asylum Service, that do not allow them to correct them unless they submit official documents issued by their countries of origin. One of the most serious consequences of this system, combined with the poor implementation of the age assessment procedure is the incorrect birthdate registration of UAMs. Incorrectly registered nationality (including statelessness) of applicants is another source of concern, as it affects not only the examination of the asylum claim, but also Dublin procedures. Lastly, incorrectly registered names are extremely difficult to be corrected by recognized beneficiaries of international protection, who reasonably are not expected to contact the national authorities of their country of origin asking for official documents (being legalized before their submission to the Greek authorities, as required by the national refugee law).

In the north of mainland Greece (at the Greek - Turkish land border), newcomers register their claim (expressing their will to apply for asylum) with police authorities and move throughout the country (usually in Thessaloniki, but also further south) being holders of police notes (i.e. documents that mention their personal data and their will to seek asylum) which are valid from three to six months depending the nationality, the family size and the vulnerability of applicants. While these police notes protect the holders against refoulement and/or deportation for a limited time, serious obstacles and extreme delays in the registration of their claims with asylum authorities expose them in the risk of arrest and detention because the police authorities consider their stay and presence in the country illegal when the police notes expire and are not extended. Again, the extension of the police notes is not grounded in a legal context, but on practice and depends on the nationality of the holder, his/her vulnerability status and the family size.

In Attica, the skype system for registration of asylum claims by applicants speaking Arabic, Sorani and Kurmanji is almost unavailable; as a result, bona fide asylum seekers are at risk of arrest and detention (for being in the country without residency documents). In addition, they are subjected to inhuman treatment because, due to lack of documents, they are unable to have access to social (for example access to health services, to shelter etc) and legal rights (such as, access to justice) and other basic services guaranteed to asylum seekers. There are further obstacles for applicants to communicate with Asylum Service that does not permit contact without prior intervention of a lawyer to book an appointment for their visit.

In fact, as acknowledged by the Head of Asylum Service, due to Asylum Service understaffing in the mainland, it is extremely difficult, if not impossible, for asylum seekers to register their claims on time through the dysfunctional Skype system while asylum seekers are given appointments for the examination of their case years after the registration of their claims.

References:

Legal Aid Working Group/Protection Working Group - Minutes - 21 November 2018, <https://data2.unhcr.org/en/documents/details/67378>

Greek Council for Refugees – Social Change Initiative; Borderlines of Despair: first line reception of asylum seekers at the Greek Borders, 25.5.2018, page 25, <https://www.gcr.gr/media/k2/attachments/SCIZReportZfinalZPDF.pdf>

FRA, Periodic data collection on the migration situation in the EU - September 2018 Highlights, page 7, <https://fra.europa.eu/en/publication/2018/migration-overviews-september-2018>

Access to the asylum procedure is still not ensured at the Greek mainland, <http://www.efsyn.gr/arthro/zitisan-prosvasi-sto-asylo-kai-vrethikan-stin-amygdaleza>

Δικηγόροι κατά Υπηρεσίας Ασύλου για τη χρήση skype, <http://www.efsyn.gr/arthro/dikigoroi-kata-ypiresias-asyloy-gia-ti-hrisi-skype>

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

The Asylum Law (4375/2016) provides for the right to information for asylum seekers and refugees to and the Asylum Service has published material informing asylum seekers and refugees on their rights and obligations during the asylum procedure and on the access to the rights for basic living. However, it has been observed that obstacles to the physical access to the Asylum Service does not allow for effective access to information. In addition, the fact that EASO did not have access to the Asylum Service database (ALKYONI) created confusion regarding the information its staff provided to asylum seekers and refugees hosted in the camps in the mainland. This became obvious when asylum seekers and refugees were requesting for their lawyers (working in the camps) to verify the information EASO provided to them. It was observed that the information provided by EASO was not accurate and, thus, created more problems than it solved. Obviously, Greece did not grant access rights for the EASO Asylum Support Team members to all relevant databases and, as a result, information provided by EASO Support Team members was inaccurate (article 2.4 of 2018 Operating Plan agreed by EASO and Greece).

While the Procedures Directive does not oblige Greece to provide legal aid for the examination of asylum claims at first instance (by Asylum Service) it has been observed that the rights guaranteed to asylum seekers during the examination of their claims are not safeguarded without the assistance of lawyer. On the other hand, state legal aid, as provided by Greek Legislation, for the support of rejected asylum seekers before the Appeals Committees is not well designed and does not guarantee their right to an effective remedy (as protected by article 47 of EU Charter of Fundamental Rights). For example, the number of lawyers providing legal aid at second instance to rejected asylum seekers who are hosted in the hotspot of Moria is extremely low as compared to the number of asylum seekers in need of it; only one lawyer was appointed by Asylum Service to provide legal assistance to rejected asylum seekers in Moria (that received 17,270 asylum claims in 2018), while not more than 20 lawyers working with NGOs could not cover the gap. This gap was acknowledged by the Head of Asylum Service at the Legal Aid/Protection Working Group meeting of 21.11.2019. Moreover, since the 21st of May there was no state lawyer for the island of Lesbos and no means of documentation for reporting the number of asylum seekers for whom legal aid could not be provided (eg. a form to establish that asylum seekers were informed about their right to receive legal assistance at second instance – before the Appeals Committees – and that they wish to be represented, as the one existing in Chios). On the other hand, in the mainland, nine state lawyers were appointed for the Regional Asylum Office of Attika (that received 8377 asylum claims) and three for the Regional Asylum Office of Thessaloniki (that received 7369 asylum claims).

Another practice that negatively impacts the right to information is the fact that in Moria, as decided by the RIC Director for security reasons asylum seekers are not informed on the outcome of their vulnerability assessment.

The problematic access of asylum seekers and refugees to legal assistance due to the limited resources, as compared to the needs of asylum seekers and refugees, has been highlighted in a document, “Individual Legal Representation in Asylum/Refugee Context for Migrants, Asylum Seekers and Refugees in Greece: Challenges and Barriers Legal Aid Actors Task Force” produced in January 2018 by NGOs that are providing legal assistance in the country. NGO AITIMA urged authorities to ensure the full operation of the Regional Asylum Offices by providing sufficient and qualified staff as well as adequate funding, to keep EASO’s activities within the confines of its mandate, to respect the deadlines for Dublin transfers, and to provide free legal aid to all asylum seekers.

4. Providing interpretation services

Lack of interpretation is affecting all aspects of asylum procedure and access to social rights, including medical services.

While NGO Metadrasi provides interpretation services to Asylum Service on Lesbos, it has been observed that lack of interpreters for languages considered rare creates extreme delays in asylum procedures or violates the procedural guarantees of applicants (in cases they are obliged to communicate in a language other than the mother tongue that they do not fully understand). Lack of interpretation also affects detainees' access to medical care in the pre-departure center of Moria, mainly because the referral to the local hospital depends on the medical actor who is not assisted by interpreters.

In the mainland, it has been observed that lack of interpretation for Sorani speaking asylum seekers not only negatively impacts their communication with asylum offices but also delays the examination of their claims. For example, the Regional Asylum Office in Thessaloniki rarely schedules asylum interviews for Sorani speaking asylum seekers before 2023.

Lack of interpretation services affects the right of asylum seekers and refugees to contact public services, including police authorities, not only for the extension of the police notes but also to press charges or to testify as witnesses etc. In addition, lack of interpretation services affects the right of asylum seekers to legal aid before the Courts, mainly in civil cases.

References

Council of Europe, Committee for the Prevention of Torture, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018, 19.2.2019, paragraph 80, <https://rm.coe.int/1680930c9a>

METADRASI, Interpretation Services, <https://metadrasi.org/en/campaigns/interpretation-services/>
ΜΕΤΑΔΡΑΣΗ, Παροχή Υπηρεσιών Διερμηνείας, <https://metadrasi.org/campaigns/%CF%80%CE%B1%CF%81%CE%BF%CF%87%CE%AE-%CF%85%CF%80%CE%B7%CF%81%CE%B5%CF%83%CE%B9%CF%8E%CE%BD-%CE%B4%CE%B9%CE%B5%CF%81%CE%BC%CE%B7%CE%BD%CE%B5%CE%AF%CE%B1%CF%82-2/>

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

It has been observed in at least one case of the Dublin procedure that it is extremely difficult for minors who are in France to be reunited with their parents who are in Greece. In France, the guardians of children are not responsible to represent them before French asylum authorities and they do not assist them to file their asylum claim. This means that Dublin procedure cannot be initiated with detrimental effects for the well-being of the children and in violation of the principle of best interest of the child.

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

Asylum claims are examined on grounds of safe third country of asylum only in the five islands of the Aegean (covered by the EU-Turkey Statement). During the year, the Asylum Service rejected 399 asylum claims as inadmissible, where it ruled that Turkey is a safe third country for applicants. The decisions on inadmissibility of Syrian nationals are often standardized and very rarely contain an individual assessment, proper argumentation and investigation of the circumstances of the applicants. A typical example of this practice is the rejection of asylum claims of Syrians from Afrin following the events of March 2018. Additionally, the implementation of the border procedure requires an effective mechanism to identify vulnerable applicants within the reception and identification procedures. While the vulnerability assessment procedure is not described in the national asylum legislation, in practice, this mechanism is often ineffective due to limited capacity (lack of interpretation or medical staff). There have been cases where the medical screening was very brief and peremptory, not allowing for the vulnerability indicators to be examined. If not identified as vulnerable, asylum seekers are interviewed in English with the support of an interpreter and are asked questions for the determination of their status as vulnerable. Nevertheless, they are not informed about the steps of the procedure while the person conducting the assessment is not present during the interview. The caseworker will consult vulnerability experts, if an indicator of vulnerability emerges, during the breaks. It is very common for asylum seekers who are not accompanied by a lawyer or psychologist not to have any information on the procedure followed. The fact that the authority issuing the decision is different from the one conducting the interview for the vulnerability assessment remains deeply problematic. The access to legal aid for asylum seekers under the border procedure has also been further hindered since the interpretation of Art. 60 para. 4a of Law 4375/2016 by asylum authorities allows for calls of the interviews to be served exactly one day prior to the interview. As a result, many asylum seekers ask for a postponement of their interview in order to have enough time for legal consultation. Finally, the geographical restriction is often ordered for disproportional periods; as a result the procedure that was intended to be an accelerated one, can last up to two years. Moreover, the lack of interpreters for languages considered rare affects the quality of asylum procedure; in violation of the refugee law procedural guarantees, applicants are asked to communicate in English or French, languages they do not fully understand. As for the physical access to asylum authorities in Moria, it has been observed that non-Greek speaking floor managers restrict the communication with Asylum Office, thus, leading to delays in the timely submission of appeals.

References

Council of Europe, Report of the Commissioner for Human Rights of the Council of Europe following her visit to Greece from 25 to 29 June 2018, 6.11.2018, paras. 45 to 47, <https://rm.coe.int/report-on-the-visit-to-greece-from-25-to-29-june-2018-by-dunja-mijatov/16808ea5bd>

Greek Council for Refugees – Social Change Initiative; Borderlines of Despair: first line reception of asylum seekers at the Greek Borders, 25.5.2018, page 29, <https://www.gcr.gr/media/k2/attachments/SCIZReportZfinalZPDF.pdf>

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

In Central Greece, it has been observed that the medical actor (KEELPNO) has no doctors. While the gap is filled by the army medical staff who visits the local camps to provide their services, they do not have regular schedule; the same doctor rarely visits the camp twice, so there is no follow up of patients. In addition, lack of interpretation at KEELPNO leads to gaps in the provision of medical services; doctors do not examine those in need fearing misunderstanding that may cause harm.

Moria RIC has remained overcrowded with living conditions dire and extremely worrying. The Greek Authorities failed to provide safe and suitable living conditions to the residents of RIC during winter time, leading to death of at least one asylum seeker who lost his life when he used dangerous materials for heating. At the end of the year, his parents lodged a request before Greek Courts requesting compensation for the loss of life of their child.

Gaps in the provision of medical care by KEELPNO in Moria RIC were filled by NGO Médecins Sans Frontières (MSF) that increased access to mental health care in the response to the growing needs. MSF opened a mobile clinic for pregnant women and children under 16 years of age, to provide primary health care and treat cold weather-related diseases among the most vulnerable population.

The Ministry of Labour issued an interpretative circular that simplified the issuance of a social security number to all asylum seekers, including those living at RICs, though not all public servants followed it. They continued requesting additional elements not provided for in the relevant legislation, like the transliteration of the names of applicants to Greek characters. In some cases, it has been observed that lack of transliteration of names of applicants to Greek characters lead to the deprivation of medical care, as they could not be identified in the systems of hospitals.

In July 2018, the Independent Income Authority issued a circular requesting all tax offices to cross check the authenticity of residency documents of those who request to be issued tax number, which is required for access to the labour market. The procedure that requires tax offices to submit the details of residency documents to the Asylum Service is extremely lengthy (often more than three months). The Greek Ombudsman has already intervened with the Independent Income Authority stressing that the new procedure violates the principle of equal treatment.

Such difficulties and obstacles raised for asylum seekers when it comes to their registration at the social security and tax system does not facilitate their integration and their way to self-reliance.

High priority has been given by the government to actions aiming at ensuring access to education for refugee and migrant children (whose parents are third country nationals, irrespective of their legal status). In particular, a special educational programme targeted at these children was launched in October 2016. Children's access to education was designed in a timely manner and on the basis of specific planning, but its implementation has encountered many difficulties in practice, resulting in delays in the launching, or in some cases in the closure, of the envisaged Reception Facilities for Refugee Education (RFRE). Further problems arose which related to, among other things, the need to respond to increased integration demands due to the presence of a significant number of children in urban areas. This resulted from the unforeseen movement of children from reception facilities to urban areas and put higher demand on morning reception class capacity.

In response to the above-mentioned context, the National Commission for Human Rights issued a set of recommendations on better migration management to the Greek government. These include the transfer of all vulnerable people to urban settings; ensuring the effective operation of the reception facilities; the immediate upgrading of the Reception and Identification and Service (RIS) with sufficient staff and resources, to enable RIS to assume, as soon as possible, the full administration and overall management of all hotspots, taking over from the army; the urgent adoption of standard operating procedures for all reception facilities; the creation of alternatives to detention; and reforming the guardianship system for unaccompanied children.

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

In Attika, police authorities ordered the detention even in cases where they could not issue a return decision because of the nationality of detainees. Detainees were asylum seekers who did not have access to the dysfunctional Skype system and were officially hosted in the sites managed by the army, that does not provide them a certificate of residence. As they could not prove their place of residence, police authorities issued detention orders on grounds of absconding risk. It has been observed that those who applied for asylum while in detention were released after the registration of their claim and the asylum interview, leading to unnecessarily long periods of detention.

Similar cases have been observed in Central Greece: asylum seekers who had expired police notes mentioning their will to seek asylum were denied access to the asylum procedure. After the registration of their claim, they were released.

On Lesbos, the right to asylum and access to legal aid were significantly affected by the implementation of the “low-profile project”, which was not provided by the national asylum legislation. According to the relevant practice, authorities order the detention of single men coming from countries with recognition rates under 25% upon arrival. When they apply for international protection, asylum authorities recommend their detention. However, under Greek law, such a decision requires that police that should provide “a complete and comprehensive reasoning” for detention of each individual (Art. 46 para. 3 Law 4375/2016), not on the basis of nationality alone. For the first half of 2018, even Syrian nationals were included in the list of nationalities included under the low-profile project, despite their higher recognition rate. Cases of three Eritreans were also reported. Then, following advocacy of the local legal aid actors, this practice was abandoned for Syrians, South Sudanese, Afghans and Iraqis nationals who were removed from the list. Throughout 2018, asylum authorities delayed to recommend detention of newcomers to the police authority or they recommended the detention of wrong grounds (for example because there was a risk of absconding of Syrian national who has submitted ID documents) or they recommended the detention of applicants with whom they could not communicate because there was no available interpretation for the language, they were speaking (eg. Twi, Yoruba etc). In most cases, the detention of asylum seekers did not exceed the three-month period.

In March 2018, the pre-removal center in Moria increased its capacity to 220 detainees. However, not more than 100 people were detained at a time, throughout the year, while detention numbers decreased significantly since summer 2018 (not more than 30 detainees at a time). The material conditions in the Pre-removal Centre remained poor throughout the year, with no access to hot water at all, no access to water during the night and a lack in hygiene products and functional air-conditioning. Moreover, the need of detainees to purchase items such as cards for the pay phone is not covered.

Since mid-March 2018, a medical actor (AEMY) started operating in the pre-removal center to cover psychosocial support needs of the detainees in the RIC pre-detention centre. However, it operated until October with no interpreters and with just one Arabic speaking interpreter as of October. The limited mandate of AEMY created many problems for identifying vulnerable detainees who had to be referred to the medical actor working with the Asylum Service for the reassessment of their vulnerability. The lack of medical staff at the pre-removal centre further restricts the access of detainees to healthcare, since the Hellenic Police is responsible for referring detainees to the hospital only in emergencies.

Another problematic practice at the Pre-removal Centre of Moria is the detention of minors who are asylum seekers and are referred to the age assessment procedure together with adults and not in appropriate facilities.

Access to information is even more challenging for detained asylum seekers. There are no leaflets detailing the rights of detained persons. They are given their phones only during the weekend, which creates additional difficulties for their access to legal aid.

References:

Greek Council for Refugees – Social Change Initiative; Borderlines of Despair: first line reception of asylum

seekers at the Greek Borders, 25.5.2018, page 17, <https://www.gcr.gr/media/k2/attachments/SCIZReportZfinalZPDF.pdf>

Council of Europe, Committee for the Prevention of Torture, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018, 19.2.2019, paragraphs 73, 79, 100, 103, 113 to 115, 118, 129, 134, <https://rm.coe.int/1680930c9a>

8. Procedures at First Instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, including backlog management)

Asylum Service understaffing leads to enormous delays in the examination of asylum claims., Under such conditions, there is no adherence to the timeframes provided for in Asylum Law (4375/2016) nor the procedural guarantees, such as the timely submission of memos by their lawyers (who are asked to wait for at least five days to get copies of the minutes of the asylum interviews, while the deadline for submitting the memo is five days). Asylum claims are not examined within the time frames provided for in the law, not only in the mainland, but also on the islands. This is confirmed by the statistics of Asylum Service; while it received 66969 asylum claims in 2018, decisions were issued on 30756 of them.

In Northern Greece, at the Regional Asylum Office of Thessaloniki it has been observed that Farsi speakers are given appointments for asylum interviews for 2023, while Attika Asylum Office schedules asylum interviews between 2020 and 2021.

It has been observed that case workers of the Asylum Service do not assess evidence submitted by the applicants for the examination of their asylum claim (for example documents issued by the national authorities of their country of origin, reportedly because they are not translated).

Gaps in communication between authorities were noted that may affect the rights of applicants, including the right to request the timely re-examination of their claim in case its examination is interrupted. At least in one case, prison authorities did not inform Asylum Service for the detention of an asylum seeker, whose case was interrupted because he did not renew his asylum seeker's card.

References:

Asylum Service, Statistical Data of the Greek Asylum Service (from 7.6.2013 to 31.01.2019), http://asylo.gov.gr/en/wp-content/uploads/2019/02/Greek_Asylum_Service_Statistical_Data_EN.pdf

9. Procedures at Second Instance (including organisation of the process, hearings, written procedures, timeframes, case management, including backlog management)

It has been observed that Appeal Committees rarely apply the possibility provided by the law to invite the applicant for an interview, even such cases where the asylum interview conducted by Asylum Service was insufficient. Almost all appeals are examined from the file.

Furthermore, in many cases, the Appeal Committees do not respect the time frames provided by the law for the issuance of their decision. It has been observed that there are cases pending before the Committees for more than one year.

Communication of applicants with Appeal Committees, including the submission of memos and requests addressed to the Committees, is only possible through electronic mail. This practice is extremely problematic and may affect the procedural rights guaranteed to rejected asylum seekers. In this context, it has been observed in at least one case of an applicant residing on Lesvos that his request for the adjournment of the hearing of his appeal – because there was no lawyer available to support him – never reached the Committee because the internet connection was cut. Consequently, his case was ruled by the Committee without supporting documents and he was deprived of the right to an effective remedy.

10. Availability and use of Country of Origin Information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

N/A

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

Extremely poor living conditions have been observed in the Reception and Identification Centre on Lesbos with dire consequences, especially on pregnant women and babies, survivors of gender-based violence and LGBTI people. In this context, the National Commission for Human Rights called for authorities to take vulnerable people from the hotspots to appropriate shelters in the mainland.

On Lesbos, the RIC referred alleged minors to the hospital for age assessment. The alleged minors are then examined by a dentist, a practice contrary to the Greek legislation (Art. 6 of the Ministerial Decision 2745 /2013), according to which medical examinations conducted at a public hospital (left wrist x-ray, clinical examination of the dentition and radiographic examination with a dental panoramic radiograph) should be used as a measure of last resort, only when there is no pediatrician or in case the doctors cannot reach safe conclusions. As of 1.1.2018, the Head of Moria RIC stopped accepting the psychosocial assessment conducted by the asylum procedure medical actor (KEELPNO) as social workers claimed that there is no contract between RIC and Metadrasi interpreters. Nevertheless, RIC works with Metadrasi interpreters for the vulnerability assessment and accepts their services for this procedure. As of mid-July, the hospital dental services suspended the examination provided for the age assessment for an unknown period, thus RIC has been accepting the psychosocial assessment and clinical examination provided by KEELPNO.

At times, reception and identification procedures have been hindered on Lesbos. As a result, the procedural safeguards of asylum seekers who might belong to vulnerable groups were at risk. In particular, the non-operation of KEELPNO from October 25th until November 28th, when its activities were partially resumed, seriously affected vulnerable asylum seekers who, as they could not be formally identified as such, could not be referred to the proper procedure for the examination of their claims and be moved to the mainland. The procedure remains problematic, as all the documents have to be sent and signed in Athens, which created delays for the asylum seekers and, at times, complications for their procedure (eg. reassessment of vulnerability while an appeal examination was pending or whether the admissibility procedure is applicable. It is then of great importance that the procedure is completed as soon as possible before the examination of the appeal).

References:

Council of Europe, Report of the Commissioner for Human Rights of the Council of Europe following her visit to Greece from 25 to 29 June 2018, 6.11.2018, paras. 45 to 47, <https://rm.coe.int/report-on-the-visit-to-greece-from-25-to-29-june-2018-by-dunja-mijatov/16808ea5bd>

FRA, Periodic data collection on the migration situation in the EU, November Highlights (1 September – 31 October 2018), page 11, <https://fra.europa.eu/en/publication/2018/migration-overviews-november-2018>

The GNCHR expresses its deep concerns about the situation in the Reception Centers of the Eastern Aegean islands and, especially, of Moria in Lesbos (15.10.2018), http://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR%20Statement_Moria_2018.pdf

Λέσβος: Παρατήθηκαν οι τρεις γιατροί του ΚΕΕΛΠΝΟ στο ΚΥΤ της Μόριας, <https://www.dikaiologitika.gr/eidhseis/theseis-ergasias/232918/lesvos-paraitithikan-oi-treis-giatroi-tou-keelpno-sto-kyt-morias>

12. Content of protection – situation of beneficiaries 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)

While recognized beneficiaries of international protection are entitled to all the rights guaranteed by the 1951 Convention on the Status of Refugees, in practice they do not have effective and efficient access to them. Access to medical care and social security became extremely challenging due to bureaucratic constraints; while the Ministry of Labour issued a circular facilitating the access of asylum seekers and beneficiaries of international protection to social security number (AMKA), public officials continued requesting documents (such as transliteration of names of asylum seekers and beneficiaries of international protection from Latin to Greek characters) not provided by the law and they did not conform with circulars issued by the Ministry of Labour.

Furthermore, in July 2018, the Independent Income Authority issued a circular requesting all tax offices to crosscheck the authenticity of residency documents of those who request to be issued tax number. The procedure that requires tax offices to submit the details of residency documents to Asylum Service is extremely lengthy (often more than three months). Greek Ombudsman has already intervened with the Independent Income Authority stressing that the new procedure violates the principle of equal treatment. Taking into consideration that social security and tax numbers are requirements for start working, it is obvious that both developments are an obstacle for the smooth integration of asylum seekers and refugees in the Greek labor market.

In addition, lack of tax number is an obstacle to access to other social and legal rights, such as access to justice (including legal aid), access to shelter (in cases asylum seekers and/or beneficiaries of international protection wish to lease an apartment), access to the minimum guaranteed income etc.

Another obstacle to the integration of beneficiaries of international protection are the problems they are facing when they want to communicate with Asylum Office for the renewal of their residency documents; in practice without the intervention of a lawyer to book an appointment for them they cannot file any application for the renewal of their residence permit. Furthermore, while in the Greek context, persons with disabilities are always prioritized when it comes to their communications with public services, in one case it has been observed that a beneficiary of international protection could not communicate with Asylum Service to request the renewal of his residence permit without prior intervention of a lawyer to book an appointment for him. Whilst public schools in Greece are technically open to migrant, asylum seeker and refugee children, there are many barriers preventing them from attending local schools, i.e. delays in asylum process, lack of documentation, language and access. For children living in urban settings access to education in Greek public schools is more challenging due to the fact that they are enrolled in the morning classes together with Greek children and very often schools are overcrowded and have no capacity for newcomers, so children are put on waiting lists.

Many problems have been encountered in the operation of Reception Facilities for Refugee Education (RFRE-DYEP in Greek) and Zones of Educational Priorities (ZEP) due to ambiguity and contradictions in the circulars concerning everyday school operation issues (registration, transfers, correspondence, issuing certificates of attendance, promotion, excursions, the protocol one should adhere to when a child falls ill at school, etc.) which are rooted in the particular circumstances of the caseload and the fluidity of the student population (continuous traveling, etc.).

Nevertheless, although the refugee education programme implemented by the MoE was highly welcome, it was limited to the provision of the compulsory education only, meaning that children older than 15 years of age were not supported in attending school. The MoE only in September 2017 issued a ministerial decision with instructions on the enrollment of adolescents to the general high schools (“Lyceums”) and the establishment of reception classes.

Likewise, the lack of systematic education for adults was evident since the beginning of the refugee crisis.

Adult women and men had a chance to participate in language classes, ICT and life skills classes organized by different education actors and volunteer groups. The classes were not organized in a sufficiently structured way, sometimes on ad hoc basis without proper materials nor schedule.

13. Return of former applicants for international protection

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N/A (for question 13 on the return of former applicants for international protection)

14. Resettlement and humanitarian admission programmes including EU Joint Resettlement Programmes; national resettlement programme (UNHCR); National Humanitarian Admission Programme; Private sponsorship programme/scheme and Ad-hoc special programmes)

N/A

15. Relocation (any relevant developments concerning persons transferred under the EU relocation programme and relocation activities organised under national schemes/on bilateral basis)

As of January 2018, 21,726 asylum seekers had been relocated from Greece to other EU Member States, mainly to Germany, France, the Netherlands and Sweden. Finland, Latvia, Lithuania, Luxemburg, Malta and Sweden, as well as Norway, Switzerland and Ireland have fully complied with their obligations under the temporary relocation scheme, according to the Greek government and the International Organization for Migration.

Recerence:

FRA, Periodic data collection on the migration situation in the EU - February 2018 – Highlights, page 7 (<https://fra.europa.eu/en/publication/2018/migration-overviews-february-2018>)

* 16. Other relevant developments

1 character(s) minimum

a) Geographical Restriction

The Asylum Service in Greece adopted a new decision (<http://asylo.gov.gr/wp-content/uploads/2018/10/%CE%A0%CE%95%CE%A1%CE%99%CE%9F%CE%A1%CE%99%CE%A3%CE%9C%CE%9F%CE%A3-%CE%9A%CE%A5%CE%9A%CE%9B%CE%9F%CE%A6%CE%9F%CE%A1%CE%99%CE%91%CE%A3-%CE%A6%CE%95%CE%9A-OKT-2018.pdf>) on the geographical restrictions imposed on asylum seekers who arrive at the Aegean islands; it introduced 21 exceptions to these restrictions for certain vulnerable persons and Dublin transferees. Since the decision's publication in early October, the Greek Asylum Service has actually exempted all new arrivals falling under these two categories from the restrictions on movement (FRA, Periodic data collection on the migration situation in the EU - November 2018 Highlights, pages 21-22, <https://fra.europa.eu/en/publication/2018/migration-overviews-november-2018>).

b) Family reunification visa (for beneficiaries of refugee status)

In Greece, a joint ministerial decision (<http://asylo.gov.gr/wp-content/uploads/2018/08/%CE%9F%CE%99%CE%9A%CE%9F%CE%93%CE%95%CE%9D%CE%95%CE%99%CE%91%CE%9A%CE%97-%CE%95%CE%A0%CE%91%CE%9D%CE%95%CE%9D%CE%A9%CE%A3%CE%97-%CE%9A%CE%A5%CE%91.pdf>) established the procedure for granting national long-stay visas for third-country nationals or stateless persons in the context of family reunification, including the list of necessary supporting documents.

c) National Integration Strategy

The government in Greece approved a new national integration strategy (<http://www.opengov.gr/immigration/?p=801>) for beneficiaries of international protection. It is based on five pillars: 1) transferring the implementation of integration policies from international organisations and NGOs to the authorities; 2) enhancing inter-ministerial coordination to better achieve integration-related policy goals; 3) promoting electronic governance, also to fight corruption and to reinforce transparency; 4) changing laws to promote access to the labour market and to basic services and goods; and 5) guaranteeing integration and not assimilation into the Greek society.

d) Transposition of Reception Directive and National Legislation for the Guardianship, including guardianship and reception conditions of UAMs

A new law was passed in Greece, which transposed the recast Reception Conditions Directive (Directive 2013/33/EU) and the directive on intra-corporate transferees (Directive 2014/66/EU) (<http://asylo.gov.gr/wp-content/uploads/2018/05/%CE%9D%CE%9F%CE%9C%CE%9F%CE%A3-4540-22.05.2018.pdf>), including the restriction of movement of asylum seekers and established the legal basis for EASO's participation in asylum procedures (namely at the registration of asylum claims but also in fulfilling other tasks of administrative nature aiming at the examination of asylum claims) conducted in the mainland. In addition, it changed the definition of the final asylum decision (at administrative level) and the ways of notification of decisions of Asylum Service and Appeals Committees. Furthermore, it introduced new rules for the Courts examining requests for the annulment of decisions issued by the Appeals Committees, including requests for the suspensive effect of these decisions. In addition, it extended the applicability of the fast track asylum procedures on Aegean islands until 31.12.2019.

e) Law Guardianship law (4554/2018)

A new guardianship law was also adopted by the Greek Parliament in early July; the implementing decrees were still being prepared. The Law (articles 13 to 32) provides for new rules for the reception of UAMs, for the Registry of UAMs and the Guardians etc. (<http://asylo.gov.gr/wp-content/uploads/2018/08/%CE%95%CE%A0%CE%99%CE%A4%CE%A1%CE%9F%CE%A0%CE%95%CE%99%CE%91-XLcompressed.pdf>)

f) Law 4587/2018

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