

# Input by civil society to the EASO Annual Report 2019

Fields marked with \* are mandatory.

The production of EASO's *2019 Annual Report on the Situation of Asylum in the European Union* is currently underway. The yearly [annual 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 organizations, the UNHCR and researchers. To this end, we invite you to submit information on developments in asylum law, policy or practice in 2019 (and early 2020) by topic as presented in the online survey.

Please note that the EASO Annual 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. It is preferred to provide your submission in bullet points to facilitate drafting.

All submissions are publicly accessible. For transparency, 2019 contributions will be published on the EASO webpage. Contributions to the 2018 annual report by civil society organisations can be accessed [here](#). 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 EASO annual report is subject to terms of reference and volume limitations. Submissions may be edited for length and clarity or may not be included in the final report. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the annual report.

Please complete the online survey and submit your contribution to the 2019 annual report by **Thursday, 12 March 2020**.

## [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, please only include the following type of information:

- New developments and improvements in 2019 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2019.

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.

## 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)**

On the mainland, access to asylum procedures - mainly registration of asylum claims through Skype- is almost non-existent for those arriving in country from Evros. For asylum seekers transferred from the islands for decongestion reasons, access to asylum procedures is feasible with the assistance of SMS actors (IOM, ASB and DRC Greece) that inform Asylum Service on the names of those transferred and are given appointments for the registration of the claim. While this type of assistance facilitates the access to the procedure of asylum seekers who are transferred from the islands before the registration of their asylum claim, it has been observed that some of them were arrested and detained by police authorities for irregular stay in Greece while they were waiting for the registration of their claims.

Asylum seekers arriving spontaneously in the country via the Evros land border usually do not have access to shelter, food and medical treatment and there is virtually no formal referral mechanism to enter the public assistance system for this caseload. It has been observed that reception authorities do not register them in the open accommodation sites of the mainland that are used to shelter those transferred from the islands.

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

While Asylum Law provides that rejected asylum seekers have the right to legal assistance when their case is examined by the Appeals Committees, it has been observed that the number of lawyers of the Registry of Asylum Service is extremely limited compared to the number of persons who are in need of legal aid (38 lawyers covering all needs across the country, according to the latest - 8.1.2019 - decision of the Director of Asylum Service).

Requests for legal aid provided by Administrative Courts that examine on appeal cases rejected by Appeals Committees, were rejected on different grounds (such as, the appellant did not prove that the NGO assisting him in the asylum procedure does not have enough funding to cover the fees of the Court and of the lawyer; the appellant did not prove that she does not have the means to cover the fees of the Court and of the lawyer; the appellant cannot prove that he has legal residence in Greece because he is hosted in an open accommodation center).

**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)**

No changes observed with reference to the previous reporting period

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

No changes observed with reference to to the previous reporting period

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

Long delays of vulnerability assessments on the islands (due to the low ratio of medical staff compared to the number of asylum seekers, as shown by the report of RSA) delayed the examination of asylum claims and led to congestion in the RICs of all North Aegean islands where living conditions were inhuman and degrading.

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

Asylum seekers who are transferred to the mainland by reception authorities have access to shelter (in the camps operating in the mainland), to food and to cash assistance.

Access to medical treatment and health services was problematic because of unclarity of the legislation related to the conditions of issuing the Greek "Social Security Number", AMKA. While the Ombudsman intervened with the Ministry of Labor, for more than six months new arrivals could not have access to non-emergency medical and health services, except newborns. In November 2019 a law was adopted that regulated for a special social security number to be issued to asylum seekers and it would be connected to their asylum seekers card. While the relevant provision was applicable as of the date of publication of the Law in Official Gazette (i.e. 1.11.2019), asylum seekers were not able to access it by the end of 2019, because the required technical conditions for its issuance by Asylum Service, were not yet met.

**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)**

On the mainland, obstacles in the access to asylum procedure very often led to the arrest and detention of asylum seekers for irregular stay in the country because they could not register their claims due to the structural deficiencies of the Greek Asylum System (such as access to the registration through Skype; understaffed asylum offices; e-mail communication to fix an appointment with asylum offices to register the asylum claim, etc). When arrested, their asylum claims are registered by special Units of Asylum Service and quite often they are released before the asylum interview takes place.

In October 2019, the Minister of Citizens' Protection announced that new reception centers will be established on the islands of Aegean in the place of the ones used now, that will be closed (i.e. the entry and exit of asylum seekers will be controlled) in an effort of decongestion of island hotspots.

#### **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)**

Long delays in the examination of asylum claims have been observed on the mainland. Asylum Service cannot meet the needs of the high number of asylum seekers. Asylum interviews are fixed three to four years after the registration of a claim.

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

Given the jurisprudence of Greek Courts that deadlines for the issuance of decisions are not binding, Appeals Committees do not respect deadlines provided by the Asylum Law for the issuance of decisions on the cases they are ruling.

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

No changes observed with reference to to the previous reporting period

#### **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)**

No changes observed with reference to to the previous reporting period

**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)**

Access of beneficiaries of international protection to social security, including non-emergency health and medical care, is provided only when they are issued the Social Security Number (AMKA). Obtaining an AMKA requires submission of a copy of the residence permit as a proof that they are beneficiaries of international protection. However, long delays (often exceeding three months period following the issuance of the decision granting international protection status) in the issuance of residence permits may leave them without access not only to non-emergency medical and health services but also to the labour market, as the Social Security Number is an element needed to be recruited in a job.

In June 2019, Hellenic Government in cooperation with IOM started implementing the EU funded HELIOS integration project (<https://greece.iom.int/en/hellenic-integration-support-beneficiaries-international-protection-helios>) that covers only a limited number of beneficiaries of international protection (i.e only those who were recognized after 1.1.2018 and meet other specific requirements). The program includes integration courses, accommodation and employability support, integration monitoring and sensitization of the host community.

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

N/A

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

N/A

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

N/A

**16. National jurisprudence on international protection in 2019 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))**

## 17. Other important developments in 2019

In November 2019 the Greek Government amended the Asylum Law that introduced changes in the procedure for the examination of asylum claims. The new law aims to speed up asylum claims decisions, not only in the 'fast-tracked' but also in the regular procedures, without ensuring the full range of procedural safeguards for asylum seekers. In this regard, the law provides that postponement of asylum interview or of the hearing of cases by the Appeals Committees is allowed only once and for specific reasons. Failure of asylum seekers to comply with their obligations (for example they do not renew the asylum seeker's card on time, they do not inform asylum authorities on the changes of their address/residence etc) during the examination of their asylum claims leads to the rejection of their claims by the asylum authorities.

Among others, it provides that asylum seekers are allowed to work six months after the registration of their asylum claims and more bureaucracy for those who need the assistance of lawyer for the examination of their asylum claim (they are obliged to have their signature in the relevant authorization certified by public servants). In addition, it restricts the right of stay of asylum seekers in the country (by providing that definitive is the decision which is issued by Asylum Service) and the suspensive effect of appeals submitted before the Appeals Committees. According to the new law, only judges will sit in the Appeals Committees. Deadlines for the issuance of the decisions by asylum authorities but also to the submission of appeals against negative decisions of Asylum Service are shorter. The same is applicable for the judicial control of the negative decisions by the administrative courts.

The new law introduced changes regarding the role of the vulnerability assessment in the asylum procedure as a safeguard; vulnerabilities related to the reception conditions do not affect the examination of asylum seekers in terms of scheduling asylum interviews and examining asylum claims.

In addition, the law provides that armed and police forces (staff duly trained) may assist asylum authorities (Asylum Service) together with EASO to speed up the registration and examination of asylum claims.

Concerning reception conditions, the law provides for the stages of reception and identification procedures (i. e. information, reception and identification, registration and medical control, referral to the asylum procedure and referral and transfer of asylum seekers). Material reception conditions are restricted or discontinued to persons hosted in hotspots, when they do not comply with the Operating Regulations. Persons hosted in hotspots are referred to the readmission/return/pre-removal procedures when they do not comply with the decision of transfer for the completion of the reception and identification procedures and therefore, with the registration and examination of their asylum claims. Furthermore, the law provides for restriction of movement of asylum seekers based on decision of the Minister of Migration and Asylum that they should live in specific area of the country. Concerning detention, while it stipulates that asylum seekers are not detained because they file asylum claims or because they enter irregularly in the country or because they stay in the country without proper documentation, it provides that they may be detained for justified reasons (such as for the determination of the identity and origin or the national of asylum seekers, for the determination of the elements/facts on which the asylum claim is based when no other means are available and there is a danger that they will abscond, when for justified reasons asylum seekers are considered threat for the public order or national security etc) assessed on a case by case basis. In addition, the law provides for the obligation of children to start attending school the latest three months from the completion of the identification procedure, while adults are entitled to access secondary education as long as they are not under removal procedures.

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

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## 19. Feedback or suggestions about the process or format for submissions to the EASO Annual Report

EASO Case Law Data Base should be disseminated widely to all civil society organizations operating in EU and implementing legal aid projects / programs.

The information required can be divided in two chapters (protection and legal updates / development). Each chapter requires different type of information and different type of knowledge, including capacity (ie. professionals).

It would be more useful for all actors involved in the refugee field in the EU to have an annual report on legal developments.

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