

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

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

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Contributions by topic

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)

Evros region

- During 2019, the numbers of arrivals at Evros land borders remained increased with 14.887 newcomers entering through the land borders. ¹. In this number is not accumulated the number of sea arrivals through the sea of Evros Region (Samothrace, Makri) which is not officially published. According to the Coast Guards' of Alexandroupoli and Samothraki statements 4,875 persons have entered Greece through the sea borders of Evros during 2019². This change of flows follows the increased allegations of illegal forced removals (push backs) at the land borders of Evros. The testimonies for a continuous and uninterrupted use of the illegal practice of pushbacks are continued and recorded. HumanRights360, has also identified an increase to arrivals of another extremely vulnerable population -women alone possibly victims of SGVB or already identified as such in their countries of origin. The increased number of newcomers have highlighted (a) the frequency of minors -victims of a road accident due to the «trend» of the smugglers to force minors to drive the smugglers' trucks in Egnatia street in order to avoid be arrested by the police, and (b) the increased arrests in the tolls of Egnatia street.
- Access to international protection; nationals from countries with «low recognition» rates (i.e. Pakistanis), including families and UASCs, are not registered as asylum seekers, when expressing the asylum willingness, while in the RIC, but only after they are transferred to the Pre-Removal Detention Centre. Legally, they are still under active Deportation Orders, so a risk of direct or indirect refoulement may be there (no guarantee against the enforcement of removal). These persons also have no proof of their expressed willingness to seek for international protection while the limitations on the period of detention for asylum seekers do not start counting immediately, but only after the full registration of the asylum claim by the Asylum Office, but, in any case, without adequate monitoring, these cases are not

¹<https://data2.unhcr.org/en/situations/mediterranean/location/5179>

²According to the information reported to the ERT (state media channel) Orestiada by the competent Directorate of the Headquarters of the Greek Coast Guard

highlighted and addressed; moreover, persons are still released straight from Police detention facilities after initial registration or RIC after RIS procedures, although there is a decrease in the numbers. People who are released from police premises, including UASCs, without having any registered asylum willingness number included therein, with the exception of Police Notes issued for Turkish nationals. People, including vulnerable persons, are released without any guidance, support or assistance, and are exposed to possible ill treatment or/and abuse.

- Persons remaining at police premises of Evros region and the port of Alexandroupolis waiting to be transferred to the RIC to undergo RIS procedures for indeterminate period, without access to the protective services.
- Despite Ombudsman's for the minor's intervention, age assessment process continues to be problematic; almost all cases are currently referred for x-ray without any prior contact with the child/person in question. Furthermore, we had two (2) incidents of arbitrary referral of minors to age assessment; the referral was emerged by the pediatrician of Didimotixo General Hospital without the relevant referral of the RIC and/or Public Prosecutor. Following the observed arbitrariness of referrals of minors to age assessment, the Director of RIC decided to regulate a 10-days limit for the referral to age assessment of UASC in the RIC.
- The huge delays of placement through the NCSS (EKKA) resulting to prolonged detention (protective custody) of all UASCs.
- The lack of adequate health care within the RIC of Fylakio remains and has been deteriorated in the last months while the lack of pharmaceutical supply has not been addressed with all the consequences for the TCNs accommodated in the RIC. There is only a military doctor's shift 10-18.00 and lack of essentials and serious lack of medical supplies (skin diseases continue in 16 minors). Moreover, the lack of basic material goods (shoes, clothes, personal hygiene) hamper the welfare of these population.
- The challenges for the regular and ad hoc transfers to local health services maintain.
- Attempts of insurgency within the RIC by the detainees, due to poor detention conditions and due to huge delays of placement through the NCSS (EKKA).

a) a protest for poor living conditions and huge delays of placement in accommodation centers took place in two wings and were involved mainly minors. In the wing A the protest ended with our intervention while their requests were submitted to the administration. In the wing B, an attempt was made to burn a layer and the police intervened, without any further disturbances or episodes. The next day the administration discussed the incident with the minors. Earlier on February, there was a turmoil which caused serious damages to RIC's facilities when the TCNs started a fire inside wing A. 13 minors and 1 adult were taken into custody by the authorities following the riot incident. The TCNs were protesting in regard to their prolonged period of waiting for an accommodation facility to be found, the bad quality of food, as well as the lacking health and medical care conditions. The adult was sentenced to four years in prison.

b) on Wednesday 21/08/2019 there was another insurgency in one of the minor's wings. In particular, the minors complained about the pro-longed period of detention and the pro-longed period of waiting for an accommodation facility to be found, the bad quality of food, as well as the lacking health and medical care conditions while they were re assured from the Director that they will be referred in accommodation center soon. They tried to burn mattresses, caused material damages in the premises, smashed glass (some minors were injured by the glasses) and tried to escape. When the police closed the gate and Deputy Director leapt into the wing, despite policemen warnings, the minors threw him down and threw rocks at him. The situation worsened without police intervention inside the wings and gradually the tense was transferred from wing to wing.

- According to the Forensic Ms. Pavlos Pavlidis, a 15-year-old boy from Iraq who escaped from the RIC at the 14th of September was found dead at the irrigation canal.
- In a number of cases, including UASCs & vulnerable persons, there are allegations of informal forcible removals (pushbacks) of foreign nationals from Greece to Turkey at the Evros river border. The persons, including UASCs, who alleged that they had been pushed back from Greece to Turkey had again entered Greek territory and had subsequently been apprehended by the Greek police creating a new normality in Evros region as illustrated at the report which was published by HR360 in coordination with Greek Council for Refugees and ARSIS-Association for the Social Support of Youth and HumanRights360. The allegations continue and are recorded by HumanRights360 team while the investigation which began following the abovementioned report by the Public prosecutor of Orestiada it is unknown if it has concluded. The testimonies include *de facto* detention in police stations close to the borders and transfer to the border, accompanied by the police or other persons often called “commandos”, where they are pushed back to Turkey.
- It has been identified increasing refugee-migration flows through Bulgaria which are accompanied by allegations of violent push backs also at Bulgaria borders.

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

- In Evros region, several penal cases involving UASC and staff are pending/open at the level of the courts. In one of these cases the policemen involved were sentenced. Consequently, for several days the policemen refused to collaborate in taking the minors out of the wings. This practice resulted in postponements to minors’ registration and delays to their asylum process. Thus, a new directive has been issued from the Director of the RIC, according to which a civil servant of the RIC can take the persons from the wings “without being responsible (in a penal prospect) for these persons” and the police is informed in cases of tensions, missing minors etc
- A new challenge of court cases has been occurred; it concerns UASC who faced penal charges on account of false declaration of data, because they were deemed adults after being channelled to age assessment procedures.
- Following the increase of the flows and the visibility of the TCNs in Evros region, an alarming increase of incidents of racist violence has been appeared targeting refugees, including unaccompanied and separated minors. In particular, incidents where beneficiaries buy a ticket to Athens, pay the person the money for the ticket and then the same person makes a phone call and moments later policemen arrive to the spot and arrest him/her have been recorded to the network of Racist violence. Also, incidents of police racist violence against beneficiaries have been recorded to the Network. HumanRights360, as an active member of the Racist Violence Recording Network (<https://www.humanrights360.org/memberships/>) frequently records incidents of hate crimes against those populations in the region.

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

The challenge of many different languages and many dialects in the RIC of Orestiada it becomes further complicated due to the lack of sufficient interpretation services; three EASO interpreters provide interpretation on Arabic-Kurmanji, Farsi-Dari, Urdu-Pashto and an interpreter deployed by The British Embassy Dar-Farsi. On 31/01/2020 EASO contract shall expire.

4. **Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**
5. **Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**
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)**
7. **Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**

As a practice, in Evros region the last six months of 2019, the police issues 6 months police notes to persons whose return is not feasible while it has been noted that asylum seekers whose claims for international protection are registered by Fylakio RAO are released after the interview on their asylum claim, as police authorities issue non-detention decisions on grounds of force majeure, in view of the high number of persons detained in the pre detention centers. In the field of detention, the detained population in the pre-detention center of Fylakio presents an increase with 160-180 people as per the end of October while the time under pre-RIC detention is again increasing with now up to 8-12 days before new arrivals are transferred to the RIC. The main nationalities which under pre-PIC are Afghans, Turkish nationals, Syrians, Somalis. At the same time, there are continued police transfers of single men to other pre-detention centers, mostly Paranesti and Xanthi for continued detention. Transfers are conducted in order to maintain free space in Fylakio pre- detention center for new arrivals; in such case, the full asylum registration may take place only after transfer to a new pre detention center while the condition in all pre-detention centers is bad.

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. 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)

- TCNs are released from police remises, including unaccompanied minors, without having any registered asylum willingness number included therein, with the exception of Police Notes issued for Turkish nationals. People, including unaccompanied minors, are released without any guidance, support or assistance, and are exposed to possible ill treatment or/and abuse.
- Detention (“protective custody”) of UASCs in the closed Reception and Identification Center (RIC) of Orestiada has systematically been imposed and may be prolonged for periods ranging from a few months to more than six months, pending their transfer to an accommodation facility. The latter, in conjunction with the particularity that minors remain under detention for a prolonged period, the RIC is a close center, the referrals to shelters are in huge delay, and the procedures concerning the guardianship are insufficient, has created an unbearable situation for these vulnerable groups.
- Furthermore and putting an even greater burden on the situation, on 31/12/2019 was announced the cessation of the Guardianship scheme by Metadras creating a huge gap in the communication with the Public Prosecutor while jeopardizing the rights of the minors as the registration of UASC applied without the presence of a guardian to ensure their prompt access to protective services and giving specialized forms of support, i.e. legal, social. The cessation of the guardianship scheme is the result of UNHCR’s phase out and the transition of the scheme in the state including of recruitment of guardians and of interpreters by EKKA, and training. The most important challenge remains the actual duties of the State employed guardians who are not expected to take over the full scale of services currently provided in lack of supportive structures on the field.
- Simultaneously, taking into consideration the cessation of guardianship scheme it was decided the staffing of the psychosocial union of the National Public Health Organization (NPHO) with three psychologists and three social workers; two rescuers, one midwife and two nurses were also added to the unit. Nevertheless, there is still a severe shortage of medical material (skin diseases and other diseases continue).
- RIC has referred the psychosocial assessment required for the custody process to the national public health organization (EODY) which is overstretched, underequipped and with no capacity for such assessments. Issues have occurred with the Public Prosecutor due to the inadequate assessments from EODY.

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)

Concerning the issue of asylum seekers' access to health care system, significant changes have taken place during 2019, with the majority of those entering the country after July 2019 having no access to the Greek health system except emergencies. Specifically, while a circular was issued in June 2019 which essentially facilitated the acquisition of AMKA to foreign nationals, including asylum seekers, following the change of government in July 2019, a new Directive was issued by the competent Minister, which recalled the above provision of AMKA. It is worth noting that until then, the granting of AMKA was necessary for access to the country's health services, as earlier provisions of the law for issuing to Aliens specific Health Cards were never implemented.

This situation created enormous problems for asylum seekers who either had not been able to issue AMKA or arrived after July, as they could not undergo any exams or be treated for serious health problems that they were likely to face. Also, they cannot have access to the labour market as AMKA number is representing the social security number. HumanRights360 followed up several such cases, making advocacy to the authorities on this regard and refer the individuals to other organizations offering health services, in an attempt for a temporary solution to be found.

According to article 55 of the new Law 4636/2019, which came into force as of 01/11/2019, every asylum seeker would be granted a Temporary Number of Social Security and Health Care (PAAYPA), in order to have access to health care, social security and labour marker. However, by the end of 2019, the Asylum Service did not manage to provide this number, thus extending asylum seekers' non access to the aforementioned fundamental social rights.

Also, within 2019, many asylum seekers, beneficiaries of HumanRights360, faced difficulties and significant delays to issue other administrative documents and numbers Tax Offices, in order to legally proceed with their tax declarations and other administrative obligations. Specifically, all status holders/applicants needed to submit a photocopy of their residence permit/applicant card to the tax office and wait for a verification from their Regional Asylum Office, through internal procedures which lasted for several months (there are cases of people who never received an answer or who had to wait for 6 months). This situation resulted in serious delays and difficulties in hiring people who had found a legal job. HumanRights360 made intervention on the issue to the Greek Ombudsman and the situation was restored by the mid-2019.

Several issues have occurred, regarding the creation of bank accounts for asylum seekers and recognized refugees. HumanRights360 has collaborated to written reports of cases of people who couldn't create a bank account. These issues were related with the expiration date of the asylum card, the proof of address and lack of residence permit (for status holders that had only the verification stamp on their asylum card). HumanRights360 has also submitted a written complaint to the legal department of a Greek bank.

Finally, regarding marriage, asylum seekers were refused to marry with a political wedding unless they provided family status certificates from their countries of origin. For status holders, political marriage can only be achieved through submission of their travel documents, regardless if they are holding a residence permit.

13. Return of former applicants for international protection

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

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

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

- a) A new law 4363/2019 O.G 169/A/1-11-2019 concerning the burning issue of International

Protection in Greece has passed by the Greek Parliament, although the consultation period given to the civil society for editing and commenting was extremely short. In most of its provisions the law is going to be implemented from 01/01/2020. The law seeks to create a single piece of legislation including both the procedures for the reception and identification of third-country nationals, as well as the asylum procedure and the status of those recognized as beneficiaries of international protection, however, the coding attempt is incomplete with repeated definitions, while in some parts there is a great deal of ambiguity. The new law increasing dramatically the administrative detention and returns and in no way relying on personalized examination of claims and on safeguarding and promoting the fundamental rights of asylum seekers. Instead, the law seeks to introduce procedural barriers and complex procedures to discourage persons seeking international protection while reducing the substantive and procedural safeguards. Specifically, the law is based on the widespread enforcement of the administrative detention of asylum seekers over long periods of time, even for vulnerable persons. The law extends the maximum duration of detention of asylum seekers from 3 to 18 months. Furthermore, it includes many punitive provisions that could lead to the rejection of the asylum application on the merits and it foresees excessive disproportionate consequences, as it requires asylum seekers to comply with 'co-operation tasks' with the authorities, which -in some cases- are humanly impossible to respond to, as a result of the system's malfunctions. Also, the right of effective access to second instance (appeal) is substantially denied, as procedural and substantive barriers are put in place (inter alia, it is now necessary for the applicant to raise specific grounds of appeal, which cannot be done without legal assistance while on the same time the deadlines has been minimized). Moreover, the new law removes the automatic suspensive effect of appeals for claims dismissed as manifestly unfounded, inadmissible or rejected in the accelerated procedure under certain categories. Finally, persons who have appealed by 07/20/2016 and have not been examined should go to the Appeals Authority within 6 months (by 04/30/2020) to state that they want their appeal to be examined, otherwise it will consider as withdrawn. Consequently, and taking into consideration the limited returns that Greek State is conducting, the new provisions are expected to increase the number of undocumented population with no access to legal and social rights. At the same time the time period in which these population acquires access to the labor market has been amended against their rights putting as a requisition a note in their Asylum Applicant Cards «Right to access labor market» which in the majority of cases will come in 6 months after their Applicant Card with case number has been issued. The latter in conjunction with the lack of any pre-integration measure (Greek lessons, vocational trainings etc from the state) constitutes an aggravating measure.

- b) The Ministry of Migration Policy which had originally established in 2016 and abolished on 08/07/2019 following the election of the new government, has been re-established on 15th of January 2020. The latter has caused a malfunction to the competent directorates pending the transmission of their mandate from the Ministry of Civil Protection which was responsible following the abolishment of the Ministry of Migration Policy.

References and sources

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

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

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