



# **EASO OPERATING PLAN FOR GREECE**

## **Interim Assessment of Implementation**

Valletta Harbour, 28 July 2014

Upon the request of Greek Government and in view of the particular pressure that Greece is subject to, the M.S.S. judgment and the implementation of new procedures as identified in the Greek Action Plan on Asylum and Migration Management (Greek Action Plan), EASO has provided emergency support to Greece since 1 April 2011, in order to support the establishment of the new Asylum Service, First Reception Service, Appeals Authority, reception of vulnerable persons, reduction of the case backlog and capacity building absorption of EU funds.

The deployment of experts from the EU Member States and EASO via EASO Asylum Support Teams was a key element in the implementation of this emergency support, as well as the solidarity and cooperation shown by the European Commission (DG HOME and the Task Force for Greece), FRONTEX, UNHCR and other stakeholders.

This report shows that with the support of EASO and other stakeholders involved, Greece has taken concrete steps towards establishing a modern asylum and reception system for offering protection to those in need. Whilst Greece has set up an asylum procedure at first and second instance, capacity building and consolidation should continue, in particular in the field of reception and clearing of the backlog of asylum cases, with a view to ensure the sustainability of the new procedures and further improve the standards in accordance with EU and Greece's legal obligations. Further implementation of a data quality management will enhance the assessment of Greek asylum data collection and analysis, within the Common European Asylum System.

The current EASO Operating Plan for Greece runs until the end of 2014.

## 1 – INTRODUCTION

### 1.1. EASO Operating Plan for Greece Phase I

Following a request made by the Greek Government in early 2011, the Executive Director of EASO agreed to provide emergency support to Greece, in view of supporting the establishment of the new Asylum Service, First Reception Service, Appeals Authority, reception of vulnerable persons, reduction of case backlog and capacity building in the field of EU funding.

Under the framework of the Operating Plan EASO Greece Phase I (01/04/2011 – 31/03/2013), EASO implemented 42 measures deploying 70 experts from EU Member States and EASO via 52 Asylum Support Teams (AST). The EASO Operating Plan for Greece Phase I was amended twice; on 26 September 2011 and 13 November 2012.

By mid-2013, all 3 new services (First Reception Service, Asylum Service and Appeals Authority) as well as the first reception centre in Fylakio (Northern Greece) were operational (including having established their financial administrations, management of correspondence, basic structures and staffing), most by-laws for their operation had been adopted and a new asylum procedure had been adopted.

### 1.2. Operational Support to strengthen the administrative appeals

EASO launched, with UNHCR as implementing partner, a project (22/11/2012 – 31/03/2013) for operational support to strengthen the administrative capacity on the appeals instance of the asylum-procedure in Greece (Presidential Decree 114/2010), including the clearing of the pending appeals (“backlog”) to the Ministry of Public Order and Citizen Protection.

### 1.3. EASO Operating Plan for Greece Phase II

Following a request made by the Greek Government in early 2013 for further support, the Executive Director of EASO agreed upon the prolongation of the emergency support to Greece until December 2014; in particular, for increasing the capacity of Greece to deal with the institutional set up of the asylum and reception system.

This decision, which was made in conjunction with the implementation of new procedures, as identified in the revised Greek Action Plan on Asylum and Migration Management, built further on the work done in the framework of the EASO Operating Plan for Greece Phase I and took into account facts gathered through information and statistical sources provided by the Greek Authorities. Supporting the implementation of the revised Action Plan has been considered as a priority in the EASO annual work programmes since the establishment of EASO.

Within the framework of the EASO Operating Plan for Greece Phase II, EASO is currently supporting Greece via the implementation of 15 measures via 56 ASTs, by deploying 73 experts. These measures provide support in the field of training (on first and second instance), on nationality establishment techniques, support in the field of EU funding, support on the collection and analysis of statistical data and support in the field of country of origin information (COI). The EASO Operating Plan for Greece Phase II was amended in spring 2014.

EASO’s activities reflect the recommendations emerging from the joint fact finding mission led by the European Commission in early 2011, are in line with the Greek Action Plan on Asylum and Migration Management and take into account the ECtHR judgment on the MSS case. EASO carries out its activities in Greece in full transparency and in close cooperation with the European Commission, FRONTEX, UNHCR and other stakeholders.

EASO regularly reports to its Management Board and the European Commission (DG HOME and the Task Force for Greece) on the process and progress of the implementation of the EASO Operating Plan for Greece Phase II.

## 2 – LEGAL ASYLUM REGIME CURRENTLY IN PLACE IN GREECE

Presidential Decree no. 114/2010 - establishing a single procedure for granting and withdrawing refugee status – regulated the transitional period until the new Asylum Service became operational.

Law no. 3907/2011 amended by Law no. 4249/2014, establishing the Asylum Service, First Reception Service and Appeals Authority and transposing into Greek legislation the provisions of Directive 2008/115/EC.

Presidential Decree no. 389/1989 amended by Law no. 4075/2012 and Law no. 4052/2012 (transposing into Greek legislation the provisions of Directive 2009/52/EC), Presidential Decree no. 220/2007 (transposing into Greek legislation the provisions of Directive 2003/9/EC) and Presidential Decree no. 141/2013 (transposing into Greek legislation the provisions of Directive 2011/95/EC) - establishing the competencies of the Department for the Protection of Refugees and Asylum Seekers and the Directorate of Social Welfare and Solidarity, within the Ministry of Labour, Social Security and Welfare.

Presidential Decree no. 113/2013 (transposing into Greek legislation the provisions of Directive 2005/85/EC) - establishing a single procedure for granting the status of refugee or of subsidiary protection beneficiary to aliens or to stateless individuals.

Law no. 4251/2014 - Immigration and Social Inclusion Code.

## 3 – AREAS OF SUPPORT

### 3.1. The Asylum process

#### Situation in March 2011

As described by the Greek Action Plan of August 2010, “there were inadequate asylum infrastructures in Greece, compounded by provisional procedures and an inadequate legal framework”. Because no screening procedure was in place at the borders, it was difficult to identify in an effective and fair way people who were in need of international protection. Registration of asylum claims took place in all 54 Aliens Police Directorates throughout Greece. Asylum interviews were conducted in 14 Police Directorates. The head of each Police Directorate was responsible for deciding the asylum claims on first instance. The majority (approx. 95%) of all asylum claims were processed at the Asylum Department of the Attica Aliens Directorate. According to the Action Plan, the Government’s strategic objective was to set up a new Asylum Service staffed with civil servants within the Ministry of Public Order and Citizen Protection, in order to handle all asylum-related matters, independently of the Hellenic Police, and to guarantee an effective and fair access to the asylum procedure.

Against this background, in November 2009 a Greek task force (ministries with joint competences, NGOs, UNHCR, the Athens Law Bar Association) was set up to support the asylum procedure during the transitional period and the management of the backlog of applications at second instance, as well as preparing the establishment for the new Asylum Service and the new asylum procedure. A Presidential Decree no. 114 for a single asylum procedure during the transitional period was published on 22.11.2010. A new Law no. 3907 on the setting up of the Asylum Service, the First Reception Service and the Appeals Authority entered into force on 26.01.2011, providing for an independent civilian Asylum Service.

The Presidential Decree of November 2010 is considered to be the start of the transitional period, during which the Hellenic Police would handle asylum cases on first instance till the new Asylum Service would become operational. The transitional period was extended twice and the end of the transitional period is considered to be the moment when the 3 new institutions became operational (First Reception Service in March 2013, Asylum Service in June 2013 and Appeals Authority in July 2013). Given the on-going responsibilities of the Hellenic Police regarding the (old) backlog of pending asylum cases, the transitional period has not fully ended.

In the context of the EASO Operating Plan for Greece, support measures were identified on short-term (for urgent capacity building) and on long-term (in areas where existing resources were limited and needed to be provided by Greece at a later stage). Special attention was planned on training needs of existing staff and future staff of the new Asylum Service.

## EASO support

EASO supported the development of a specific plan, which facilitated the transition from the DubliNet and EURODAC system from the Hellenic Police to the Asylum Service, including appropriate training.

EASO provided continuous training of the staff and first instance caseworkers of the new Asylum Service during the transitional period. During this period, the transfer of tasks performed by the Hellenic Police in the field of first and second instance decisions and in the field of reception and (open) accommodation to the new institutions staffed with civil servants took place.

The majority of asylum caseworkers joined the Asylum Service at the end of April 2013 and followed a rigorous training programme (EASO Training Curriculum and UNHCR training). The aim of the training programme was to create a team of Greek-speaking trainers (primarily staff of the new services) who would roll out the training programme to newly recruited colleagues. Core staff was trained and became national trainers, who would then provide training to their colleagues in the following EASO training modules: inclusion, exclusion, interview techniques, evidence assessment, drafting and decision-making, COI, interviewing vulnerable persons, interviewing children, CEAS, Dublin III Regulation (training of trainers to be held in Malta in last quarter of 2014). By March 2014, 43 national trainers were trained and they conducted training sessions, ensuring that all caseworkers of the Asylum Service were trained (overview in Annex 2).

EASO supported the capacity of providing up-to-date and relevant COI to first instance caseworkers, the staff secretariat of the Appeals Authority and the 19 Appeal Committees. EASO AST provided factsheets on COI (i.e. Bangladesh, Georgia, Iran, Iraq, Pakistan, Nigeria and Afghanistan), as well as advice on the setup of a COI system for the Asylum Service and the Appeals Authority. A blueprint for further development of the Greek COI unit and setting-up an electronic COI database, including a platform to respond to queries from caseworkers of the Asylum Service and staff of the Appeals Authority, was developed.

EASO support was also given on first instance procedure to strengthen the quality management of the asylum decision-making procedure. EASO AST introduced key elements for a system for quality management and quality control. A blueprint to implement a system for recording and transcription of asylum interviews was offered by an EASO AST and an assessment of the templates (i.e. definitions, quality, processing time) used by the Asylum Service was provided. Furthermore, advice on the implementation of tools monitoring the management of pending cases was provided.

## Situation in May 2014

The **Asylum Service** became operational on 7 June 2013. The Asylum Service is responsible for applications for international protection (refugee status and subsidiary protection) at first instance. In addition, the Asylum Service provides technical administrative support to the new Appeals Authority, which is the competent authority at the second instance.

The Asylum Service has **regional asylum offices** and has set up **mobile units** in the following regions:

- Regional Asylum Office of Athens (Attiki region);
- Regional Asylum Office in Northern Evros;
- Regional Asylum Office in Southern Evros (Alexandroupoli);
- Regional Asylum Office on the island of Lesbos, covering the islands of Lesbos, Chios and Limnos;
- Regional Asylum Office on the island of Rhodes;
- Mobile Unit in pre-removal center in Amygdaleza;
- Mobile Unit in Patras to register applicants in pre-removal proceedings in Western Greece;
- Mobile Unit in Thessaloniki to process asylum applications for persons in pre-removal proceedings in Northern Greece;
- Mobile Unit in pre-removal center in Komotini (under the office of Southern Evros).

New Regional Asylum Offices are foreseen to be set-up in Thessaloniki, Samos, Chios, Heraklion and Patras.

Law no. 3907/2011 indicates a total staff number of Asylum Service of 235 persons, of which currently 176 persons (72 of the 176 persons are caseworkers) have been appointed. Furthermore, 18 UNHCR affiliated staff have been deployed in the Asylum Service. Their assignment is to support the Asylum Service in establishing and developing a quality assurance mechanism.

## Asylum trends on first instance by June 2014 (overview in Annex 1)

<b>First Instance Procedure<sup>1</sup></b>			
Period of time	Applications for international protection	First instance decisions	Pending cases
7 June 2013 – 31 May 2014	8948 applications	4600 decisions & 1350 cases otherwise closed	3131 cases (including cases scheduled for interview in June-July 2014)
	143 cases temporarily closed and reopened for “in substance examination”		2645 cases less than 6 months 486 cases more than 6 months
<b>Monthly trends</b>			
June 2014	729 applications	601 decisions issued	3157 cases
			2688 cases less than 6 months 469 cases more than 6 months

The recognition rate on first instance in Greece (the new Asylum Service: refugee status and subsidiary protection) was 24% in Q1/2014 and 26.3% in June 2014.

In line with Law no. 3386/2005, the Hellenic Police or the Coast Guard arrests migrants, including Syrian nationals, apprehended on Greek territory without identification documents. When a migrant is identified as Syrian, the Hellenic Police issues an order for his/her return, but this order is suspended for 6 months and the suspension can be renewed every 6 months, again and again until return to Syria is possible. During the granted 6 months period, a Syrian national can stay legally in Greece. This follows a circular that the Hellenic Police issued, as a reaction to the fact that Syrian nationals could not be returned, but also could not stay legally in Greece if they did not apply for international protection. In general, migrants of Syrian nationality do not apply international protection, despite the information given by Asylum Service, UNHCR, NGOs and others. In case a Syrian national applies for asylum in Greece, the Asylum Service examines their application and proceeds with the asylum procedures. The recognition rate for Syrian nationals stands at 99.5%.

### Main findings:

- The Greek Asylum Service is functioning independently and is staffed with civil servants, mainly trained in the EASO Training Curriculum; the Asylum Service has 176 staff out of 235; the five regional asylum offices and the four mobile asylum units are equipped and the interpretation services are in place;
- Greece has substantially reformed, while under austerity measures, the asylum procedure on first instance and second instance. The vast majority of the staff of the new services has been trained via EASO workshops, as well as EASO Training Curriculum. A Unit on Quality Assurance, Training and Documentation was established in the Asylum Service and EASO supported the capacity of providing up-to-date and relevant country of origin information;
- The Asylum Service, in general, through its Unit on Quality Assurance, Training and Documentation, is currently implementing the recommendations and suggestions of the EASO AST on quality management system (i.e. Standard Operating Procedures, feedback on quality of decisions and interviews with applicants of international protection and guidance on the management of workload).
- Following EASO’s proposal for a system of recording and transcription of asylum interviews in first instance and second instance, the Asylum Service has started recording all interviews at first and second instance and is currently looking for funding for transcription of the interviews (starting in a pilot setting);
- The information generated by the templates (definitions, quality, processing time) used by the Asylum Service is generated automatically in a sophisticated way, the quality is good, the used definitions are correct and the processing time is fast.

### Measures to be considered:

<sup>1</sup> Data source: Ad-hoc data provision by Asylum Service from June 2013 to April 2014; EASO data collection from May to June 2014.

- **Organise the asylum procedure** in such a manner that the risk of accumulating new pending cases is reduced and mitigated;
- **Increase the current number** of total staff of the Asylum Service and the number of Regional Asylum Offices, as foreseen in Law no. 3907/2011, for a larger access to the asylum procedure;
- **Preserve the quality of the asylum process** and the recognition rate close to EU level (taking into account the composition of the case load);
- **Consolidate the implementation** of a quality management and quality control system;
- **Consolidate the implementation** of a data quality management, in order to enhance the assessment of Greek asylum data collection and analysis within the CEAS;
- **Start the pilot project** on the transcription of the interviews;
- **Establish a system to update** the fact sheets on COI;
- **Maintain close cooperation** with the Hellenic Police to secure referral for registration and access to the asylum procedure.

### 3.2. The Appeals Process

#### Situation in March 2011

During the transitional period (until the new Appeals Authority could begin its operations), 5 independent Appeal Committees were set up in February – September 2011, on the basis of the Presidential Decree no. 114/2010 of 22 November 2010. They were responsible for the examination of the appeal cases rejected by the Hellenic Police on first instance. Another 5 Appeals Committees were set up in October-November 2011. The Hellenic Police was assigned to finalise the examination of all applications submitted to it by the end of the transitional period and provide for administrative support the Appeal Committees until the entire backlog of first and second instance cases is cleared.

According to Article 3 of the new Law no. 3907/2011, a new Appeals Authority within the Ministry of Public Order and Citizen Protection was established. Within the Appeals Authority, three-member Appeals Committees were set up for examining the appeals lodged against first instance decisions which were either negative or granted subsidiary protection.

#### EASO support

In view of the implementation of the Greek Action Plan, the Hellenic Police, in close cooperation with EASO and UNHCR, carried out various activities. These activities aimed at improving the quality of the transitional asylum procedure before 7 June 2013 by continuing the training of the personnel responsible for the examination procedure (second instance). Furthermore, an overall management procedure for case management of all (old) pending appeal cases and finalising the examination of the active (old) pending appeal cases was supported.

EASO offered operational support, by mapping out the tasks of the new Appeals Authority and specific duties of every staff position, describing the workflow process, developing a template for collection and analysis of data and defining key elements for a system of quality management and quality control. Staff of the Appeals Authority and members of the Appeals Committees were trained together with the staff of the Asylum Service and became national trainers, who then provided training to their colleagues as outlined in the overview in Annex 2. EASO organised workshops for the members of the new Appeals Committees and the expert-rapporteurs of the Appeals Authority in the areas of preparation of an appeal file, the use of COI in the appeal procedure, Dublin III Regulation, exclusion, decision drafting and awareness of international and European case-law.

#### Situation in May 2014

The **Appeals Authority** is operational since mid-2013 and is responsible for the facilitation of the Appeals Committees. The Appeals Authority has 14 expert-rapporteurs preparing the files for the Appeals Committees, which then examine the files and issue a decision. Furthermore, it informs the applicants about the second instance process, as well as their relevant rights and obligations.

These independent **Appeals Committees** are responsible for the examination of requests for appeal against decisions made by the Asylum Service, rejecting an application for international protection or granting subsidiary protection. The members of the three-member Appeals Committees enjoy independence while performing their duties. The members are appointed by the Minister of Public Order and Citizen Protection, as follows: two members (the president and one member) of each Appeals Committee from the list submitted by the National Committee of Human Rights and one member of each Appeals Committee from the list indicated by the UNHCR. According to Law no. 4249/2014, which amended Law no. 3907/2011, the Appeals Committees have a one-year mandate, which can be renewed.

Asylum trends on second instance by June 2014 (overview in Annex 1)

<b>Second Instance Procedure<sup>2</sup></b>			
Period of time	Appeals	Decisions in second instance	Pending cases
7 June 2013 – 31 May 2014	2810 appeals received & 46 applications referred to “in substance examination”	2015 decisions & 87 cases otherwise closed	668 cases (including cases scheduled for interview in June-July 2014)
<b>Monthly trends</b>			
June 2014	397 appeals received	261 decisions issued	

#### **Main findings:**

- The Appeals Authority is close to full staff, the offices are equipped and the interpretation services are all in place; legal aid for applicants of international protection who ask for a judicial review is provided (i.e. not during the first instance or the appeals procedure, as they are both administrative);
- The Appeals Authority is functioning independently and is staffed with civil servants, trained by EASO through workshops and EASO Training Curriculum;
- The Greek Asylum Service is providing up-to-date and relevant country of origin information to the staff secretariat of the Appeals Authority and its Appeals Committees.

#### **Measures to be considered:**

- **Organise the appeals procedure** in such a manner that the risk of accumulating new pending cases is reduced and mitigated;
- **Improve monitoring and comparative analysis** between first and second instances;
- **Increase efficiency** and preserve the quality of the appeals process;
- **Strengthen the cooperation** between the Appeals Committees and the Backlog Committees on expertise and information sharing (i.e. relevant COI, planning and control);
- **Promote common participation** in training and enhance the use of horizontal policies;
- **Use of the best practices** accumulated by the expert-rapporteurs of the Appeals Authority in the Backlog Committees.

### **3.3. Backlog**

<sup>2</sup> Data source: Ad-hoc data provision by Asylum Service from June 2013 to April 2014; EASO data collection from May to June 2014.

## **Situation in March 2011**

According to the Greek Action Plan “the asylum procedure in Greece, which was already buckling under the strain of the large number of applications, became extremely problematic”.

The Presidential Decree no. 81/2009 was the framework for the asylum applications to be registered and first-level interviews to be carried out by the Police Departments in each prefecture. In fact very few applications were registered, because most Hellenic Police Departments were understaffed and it was hard to find suitably trained regional officers to participate in the Advisory Committees. These Committees were supposed to issue a non-binding recommendation to the Police Directors competent to issue the final administrative decision on the asylum application.

The practice was not in accordance with the Presidential Decree no. 81/2009. The overwhelming majority of migrants were filing an application for asylum with the Asylum Department of the Attica Aliens Directorate. The system was quickly overloaded and delays in the examination of applications were registered. The fact that Advisory Committees could not be set up, due to a lack of regional officers, had a serious negative impact on the procedure and a backlog of applications at the first instance had accumulated. Although the Presidential Decree provided for UNHCR’s membership in these Committees, UNHCR did not nominate representatives due to failure of the system to respond to basic procedural guarantees as set by international law and EU Directives, in particular those related to the requirements of an effective remedy. As described by the Greek Action Plan, this had a secondary negative impact in terms of the drastic cutback in (physical) access to asylum within the Hellenic Police.

Presidential Decree no. 114 for the transitional asylum procedure and for clearing the backlog was adopted on 22 November 2010. According to the Greek Action Plan, the aim was to start the transitional procedure by the end of September 2010 and to bring the backlog applications at second instance under control. This backlog had been created through the years due to the pressure of many applications and lack of capacity and resources. The Presidential Decree introduced procedural guarantees for the asylum seekers, as foreseen in the EU Asylum acquis.

The Hellenic Police was, during the so-called ‘transitional period’ responsible for first instance asylum applications and providing for secretarial support in the second instance, as well as for the backlog built up in the past in both instances. The Hellenic Police was responsible for the examination at first instance and the independent Appeal Committees were responsible for the examination of the appeals submitted. The Hellenic Police committed to finalise the examination of all applications received by the end of the transitional period and until the entire backlog of first and second instance would be cleared.

Only 5 independent Committees were originally established under the coordination of the Hellenic Police. Each Committee had 3 members. The backlog was estimated at 46,000 cases. Two Committees were dealing with appeals on decisions of new cases (appeals submitted after 22 November 2010), while the remaining 3 Committees were dealing with appeals in the backlog. The number of police personnel assigned to provide secretarial support to each Committee was below the intended number of 5 persons per Committee. These 5 Appeals Committees were located in a facility in Virona (Athens). The building was too small to accommodate 5 Committees, lacking storage space and necessary equipment.

Additional 5 Appeal Committees were established in October - November 2011.

10 extra Appeals Committees were established during May - June 2013, of the extra 20 initially planned, and started working in three different locations in Athens, under the coordination of a Backlog Coordinator appointed by the Minister of Public Order and Citizen Protection. The registration and update of the content of the physical files of the backlog was finalised by deployed Police Cadets.

The transitional period formally ended with the start of the new Asylum Service on 7 June 2013. Still, Hellenic Police and relevant backlog Appeal Committees continue to examine asylum cases until all pending cases are dealt with.

## **EASO support**

In view of the implementation of the revised Greek Action Plan, the Hellenic Police, in close cooperation with



EASO and UNHCR, carried out various activities foreseen in the Presidential Decree, aiming at:

- ensuring effective access to the (old) asylum procedure by updating of the existing information material for asylum applicants and continue using qualified interpreters for the asylum procedure at first instance;
- improving the quality of the (old) asylum procedure by continuing the training seminars of the personnel responsible for the examination procedure (first and second instance).
- improving the management of the backlog cases by enhancing the reduction of the overall backlog cases (appeals) through an administrative procedure, establishing an overall management procedure for the pending appeal cases and finalizing the examination of the active pending appeal cases.

EASO offered operational support with the development of a new asylum application form to be used in all police directorates, the change in the EURODAC procedure in order to transmit the fingerprints to the EURODAC central database, the development and implementation of an Excel instrument which supports the police directorates to register their asylum flows in a uniform way.

EASO gave a grant to UNHCR, which aimed at strengthening the administrative appeals instance in Greece. Through this grant, UNHCR supported the identification of inactive cases through updating of electronic and physical files, the adoption of 'interruption decisions', as well as interpretation services and training for the existing appeals committees.

As a result, a significant reduction of the backlog of appeals was achieved: out of the 52,000 appeal cases reviewed, 25,655 cases (49,33%) were identified as active, 15,528 cases (29,86%) removed from the backlog and 10,817 cases (20,80%) identified as requiring further administrative processing.

Recommendations were made by EASO AST to improve the internal workflow in the Backlog Committees. EASO trained 60 members of the 20 Backlog Committees in the areas of the examination and decision making procedure on the second instance asylum procedure, the use of COI, the development of a second instance decision format and the development of an Excel instrument which provides the coordinator of the Committees on a weekly base adequate information on the control of the Committees.

An analysis was conducted by the pilot statistical tool as implemented in the context of the EASO operational support, which allows the monitoring of Hellenic Police Backlog Committees' weekly activities. The data reflecting the activities performed in 1 January 2014 – 26 June 2014 has been adopted to simulate future scenarios. In this perspective, the scenario "High Productivity", which appears as the best and quickest solution, might be applied balancing an increase of the existing capacity and concentration of all Backlog Committees in one building. If this scenario applies, all cases could be cleared at the end of 2014.

Based upon the afore-mentioned analysis, a clearing of the backlog (35,131 cases on 26 June 2014) by the 20 Backlog Committees of the Hellenic Police can be projected, assuming an annual monthly production capacity of 1,409 decisions issued by the 20 Backlog Committees distributed as follows:

- A) 11,336 cases [the backlog following Presidential Decree no. 114/2010 (December 2010 – June 2013)] to be finalised by February 2015;
- B) 23,795 cases (the backlog before Presidential Decree no. 114/2010) to be finalised by June 2016.

Afore-mentioned scenario builds upon the assumption that, starting with March 2015, the 20 Backlog Committees will be dedicated to the backlog before Presidential Decree 114/2010.

#### **Situation in May 2014**

The backlog of the Hellenic Police consists of approx. 41,216 cases (out of which 6,085 cases on first instance, 11,336 cases after PD 114/2010 and 23,795 cases before PD 114/2010). 20 Backlog Committees are in place with an average of weekly production of 18 cases each (excluding 6,085 cases on first instance).

A number of tools have been implemented for the purpose monitoring the workflow.

The Greek Authorities are working on the improvement of the current legal and organizational framework of the Backlog Committees with the aim to enhance their productivity.

#### **Main findings:**

- The 20 Backlog Committees have been provided with tailor-made workshops, *inter alia* by EASO;

- In line with EASO recommendations, the Hellenic Police has implemented a number of statistical tools which allow the monitoring of Hellenic Police Backlog Committees' weekly activities, which is a key instrument for the coordinator of the Backlog Committees to manage the reduction of the backlog;
- The Greek authorities have identified solutions for enhanced processing of the remaining backlog;
- Based on current assignment of tasks of the Backlog Committees, the time required for the clearing of backlog cases is mid-2017.
- It is not yet possible to assess the quality of the information generated by the templates (definitions, quality and processing time) used by the Hellenic Police or conclude that definitions are used correctly. Furthermore the available information is used for the purpose of accountability, for planning and control.

#### Measures to be considered:

- **Reduce considerably** the backlog of the Hellenic Police by the end of 2014, through **increased efficiency** and accelerate the backlog clearing rate, by *inter alia*:
  - **Appoint the 10 extra Backlog Committees**, which were initially planned;
  - **Put in place a ministerial decision** for the 20 Backlog Committees be dedicated to the backlog before Presidential Decree 114/2010, starting with March 2015;
  - **Relocate** the Backlog Committees in common premises;
  - **Set up a team for the administrative review** of case files before being forwarded to the Committees for examination and implement the best practices gained by the expert-rapporteurs of the Appeals Authority;
  - **Consolidate monitoring instruments and comparative analysis** and enhance harmonization between the Backlog Committees;
  - **Restructure the internal, administrative process** to avoid ineffective notifications, erroneous or incomplete update and maintenance of physical and electronic files;
  - **Develop Standard Operating Procedures (SOPs)**;
  - **Audio recording** of the interviews;
  - **Increase personnel** at the Aliens Directorate (Petrou Ralli) for administrative support to the backlog cases and a more effective notification process;
  - **Develop a training plan** for the members of the Backlog Committees covering also modules of the EASO Training Curriculum.

### 3.4. Reception

#### Situation in March 2011

There were no overall reception procedures, distinct from the interception and arrest procedures carried out by the Hellenic Police and the Hellenic Coastguard.

According to the Greek Action Plan, 662 places were available in Greece for adult asylum seekers and 338 for unaccompanied minors. The standards in the existing reception centres varied. There was a lack of capacity and management tools (i.e. standardised procedures), as well as standardised provision of services, an efficient referral system and an efficient reception management system to ensure operational management of the centres and efficient use of available capacity.

According to Article 6 of the Law no. 3907/2011, the setting up of a new autonomous First Reception Service was foreseen, directly under the authority of the Minister of Citizen Protection. It would have a territorial competence for the entire country, for effective management of migrants illegally entering the country.

### **EASO support**

EASO offered operational support with development of a short-term and mid-term strategy to increase the first reception capacity and making recommendations for the supervision and monitoring of these facilities. A training outline for staff working in first reception facilities was developed, a manual for setting up these facilities and an advice on the technical design of the first reception centre opened in Fylakio in Northern Greece in March 2013. A manual for the identification of vulnerable groups according to best practices and international standards was delivered.

First Reception Service staff followed a training programme (EASO Training Curriculum and UNHCR training). Current staff members were trained and became national trainers, who then provided national training to their colleagues in a number of EASO training modules, as outlined in the overview in Annex 2.

### **Situation in May 2014**

Two Governmental actors are responsible for reception: the Ministry of Public Order and Citizen Protection – for first reception and the establishment of new open accommodation facilities and the Ministry of Labour, Social Security and Welfare – for open accommodation.

#### **A. First Reception**

**Arrival of immigrants:** According to the Law no. 3386/2005 (and its completion by Law no. 4251/2014), the entry on the Greek territory without travel documents is illegal and it is prosecuted. The Hellenic Police or the Coast Guard initiate within 48 hours procedural security checks and notify the public prosecutor. In practice (unless the migrant is a facilitator) the public prosecutor does not press charges, but orders the return of the migrant.

If the migrant is considered, on the basis of the general circumstances, suspect for escape or dangerous for the public order or avoids or obstructs the preparation of his departure/expulsion, his/her temporary detention is ordered by the Hellenic Police or the Coast Guard, until the issue, within three days, of the return decision. Once the return decision is issued, detention continues until his/her voluntary or forced return is materialized, but detention cannot last more than six months. If return is delayed because the migrant refuses to cooperate or the documents necessary for his/her return are not sent timely from the home country or the country of origin, detention may be extended for a limited time which cannot exceed twelve months. The migrant is informed in a language he understands about the reasons for his detention and his communication with his lawyer is facilitated. An appeal against the decision for detention can be lodged before the first instance court in the region of his/her detention.

**Referral to First Reception Service:** Following Law no. 3907/2011, as amended by Law no. 4294/2014, the migrant is brought by the Hellenic Police to a Centre of the First Reception Service (operational since March 2013) or to any facility where a First Reception Service' Mobile Unit operates (operational since July 2013). Note that the Mobile Units are not fully fledged first reception facilities, but they act as a first step within the first reception system. The Director of the Centre decides on a temporary detention of the migrant and initiates the first reception procedure (15 days). In the case of Mobile Units, the Hellenic Police are responsible for the migrant's detention while the Head of the Mobile Unit initiates the first reception procedure.

The "time of stay" of 15 days can be extended by 10 more days (to a total of 25 days) only in exceptional

circumstances. This extension is decided on an individual basis in accordance with the law (i.e. unaccompanied minors awaiting their referral to open accommodation or applicants of international protection awaiting their first instance decision).

**The First Reception Service (FRS)** is currently staffed with, in total all over Greece, 43 employees. According to the Ministerial Decisions establishing the FRS structures, a total number of 108 staff was foreseen.

According to the legislation in place, the staff of the FRS performs procedures on registration of personal data of migrants, which are entered in the National Aliens Data Base; photographs; fingerprinting (EURODAC category 2); medical and psychosocial examination; screening on vulnerability; liaising the migrant with IOM, informing the migrant actively regarding the possibilities of return, liaising the migrant with UNHCR; provision of information on rights and obligations to all new arrivals. The Hellenic Police carries out the establishment of nationality. During these procedures, interpretation is provided. Once the aforementioned procedures are completed, there are different possible scenarios:

a) The FRS refers the migrant to the Asylum Service to apply for international protection. Afterwards, migrants requesting for (open) accommodation are referred to the National Centre of Social Solidarity (EKKA) to be accommodated until the asylum procedure has been completed (approximately 4 months). EKKA is the responsible institution for the identification of free places in accommodation centers and for the referral of the concerned applicants of international protection to them;

b) The FRS refers the migrants who do not apply for international protection to the Hellenic Police to be returned to their countries of origin. The Hellenic Police i) can release the migrant under the instruction to leave Greece; ii) supports the migrant with a voluntary return program run by the HP; iii) provide the migrant with a decision of suspension of return and permission to remain in Greece for 6 months, in case the migrant originates from a country like Syria; and iv) transfer the migrant to a pre-removal detention center in view of return; at this stage, the migrant has the possibility of assisted voluntary return either through the Hellenic Police or through IOM.

c) The FRS refers vulnerable persons, including unaccompanied minors, who do not apply for international protection and who are in need of open accommodation, to EKKA. These persons stay in the accommodation facility until return is possible or until minors reach adulthood.

d) For the second half of 2014, a fourth scenario will be introduced. The FRS will operate, in cooperation with IOM, the first Open Accommodation Centre (in Aghia Varvara) for migrants participating in the Assisted Voluntary Return program. The migrant who wants to return voluntarily stays at an open accommodation center under the auspices of FRS and IOM until the voluntary return is materialized. Also, the FRS will refer applicants of international protection and vulnerable persons, including unaccompanied minors, to open accommodation centers operated by the FRS. These centers are still under construction and should be completed by end of the year.

According to Articles 8 and 8A of Law no. 3907/2011 (as amended by Law no. 4172/2013) the First Reception Service consists of the Central First Reception Service, **the First Reception Centers (FRC)**, the Mobile Units (MU) and the Open Reception Facilities (ORF). The FRC of the First Reception Service and the two Mobile Units are the competent authorities for the screening procedure of all migrants arriving without travel documents. The first FRC in Fylakio - Evros (Greek - Turkish land border) is operational since 15 March 2013. The second FRC is currently built up in Lesvos Island (Eastern sea borders – Northern Aegean islands) and planned to operate in autumn 2014, while a third FRC is planned to be built up and operate in the Attiki region by 2015.

**Two Mobile Units** are operational due to the increased migration flows in Northern Aegean. They were deployed on 1 July 2013 initially in Samos and Chios islands. The Mobile Unit in Samos is still operational due to the continuous influx of migrants in the area, whereas the other Mobile Unit was transferred from Chios to Lesvos on 1 October 2013. The 2 Mobile Units are stationed in each respective island in order to deal with the increased flows, making sure that the screening is conducted according to the above-mentioned law.

### ***B. Open Accommodation***

According to the Presidential Decree no. 389/1989 (as amended by Law no. 4052/2012 and Law no.

4075/2012) and the Presidential Decree no. 220/2007, the **Directorate of Social Welfare and Solidarity** within the Ministry of Labour, Social Security and Welfare is responsible to provide open accommodation of applicants of international protection, after they have been referred by the FRS or the Hellenic Police (as backlog or from the areas where FRS is inactive or from the Asylum Service), to the Ministry of Labour, Social Security and Welfare. The Directorate is responsible for implementation of the European Refugee Fund (ERF) and it develops programs for open accommodation centers, legal aid, social and psychological care.

According to the Presidential Decree no. 141/2013, the **Department for the Protection of Refugees and Asylum Seekers**, under the Directorate of Social Welfare and Solidarity, is responsible to guarantee that sufficient measures have been taken to safeguard the legal representation of unaccompanied minors officially recognized as beneficiaries of international protection, as well as to implement the institution of legal guardianship, in accordance with the principle of the *“best interest of the child”*, and to ensure the best accommodation for minors; ensuring the family unity among minors who belong to the same family, family tracing and connecting minors with close relatives are other tasks of the Department.

**The National Center for Social Solidarity** (EKKA), funded and supervised by the Ministry of Labour, Social Security and Welfare, is the national referral authority for applicants of international protection and unaccompanied minors.

There are 1,160 available places in Open Accommodation Centres, out of which 536 places are co-funded by ERF and the Ministry of Labour, Social Security and Welfare, 352 places are funded by the State Budget and include ad-hoc accommodation at hotels, and 272 places are funded by the EEA Grants. In line with the agreement reached between Greece and the European Commission in December 2013, Greece will provide for a minimum of 2,500 places in open accommodation for applicants of international protection to be available by the end of 2014.

Article 8A of Law no. 3907/2011 (as amended by Law no.4172/2013) gives the opportunity to the FRS to establish and operate **open reception facilities** (ORFs) for applicants of international protection, vulnerable persons and persons that applied for voluntary return, in order to contribute with more accommodation places to the existing centers operated by the General Secretariat of Welfare. In this perspective the FRS, in cooperation with IOM, will operate ORFs for voluntary returnees in Aghia Varvara by end of 2014. Furthermore, 7 structures (four in Attica and one each in Serres, Viotia and Sparti) have been identified in view of increasing the capacities of open accommodation centers for applicants of international protection, namely single men, families and vulnerable persons including women and unaccompanied minors, and planned to become operational by end of 2014.

#### **Main findings:**

- There is a functioning procedure on first reception in Greece, which still needs to be further developed;
- Two functioning FRS mobile units exist on the islands; depending on the influx, more units might be needed to enable a flexible response;
- The preparation, launch and operational experience of the First Reception Centre in the North of Greece has provided crucial input to the FRS for the implementation of new open accommodation centres;
- The vast majority of the staff of the new service has been trained, inter alia, by EASO;
- Sufficient and adequate open accommodation for applicants of international protection, in line with the provisions of the Reception Conditions Directive, is lacking;
- The responsibility of open accommodations is under both the FRS and the Directorate of Social Welfare and Solidarity, which could lead to possible duplication and inefficient use of resources.

#### **Measures to be considered:**

- **Increase the current number** of total staff of the FRS (43), which in terms of sustainability seems not to be

sufficient in view of the new competency of the reception of applicants of international protection;

- **Address** the fact that the responsibility in the field of reception of vulnerable groups lies with two different authorities;
- **Provide for a new legislation** giving sufficient legal attributions to EKKA for the referral of unaccompanied minors staying in the open accommodation facility until return is possible or until minors reach adulthood;
- **Set-up and run** the 2500 places in open accommodation for applicants of international protection by the end of 2014;
- **Further strengthen** the cooperation between the FRS and the Ministry of Labour, Social Security and Welfare in the field of reception, (open) accommodation and **produce common Standard Operating Procedures** for all open accommodation facilities;
- **Establish a monitoring mechanism** for the sustainable and uninterrupted provision of services, in accordance with the Reception Conditions Directive;
- **Establish a concrete strategic planning**, to address the need for increasing the open accommodation capacity in a sustainable way.

### 3.5. Horizontal issues - EU Funding

#### Situation in March 2011

Greece was in need of financial resources to establish infrastructure for dealing with requests for international protection, support and improve reception conditions for asylum seekers and refugees, sustain the asylum procedure and promote good practices in the field of asylum and in relation to voluntary return and the return of failed asylum seekers. The Greek Action Plan highlighted the role to be played by the European financial instruments and in particular the Solidarity Funds. Reinforcement of the management capacity of the Responsible Authorities<sup>3</sup> was needed, in support to the management of projects financed through the solidarity funds, absorption of the funds, reduction and prevention of financial risks, reporting and monitoring.

#### EASO support

EASO offered operational support to the Hellenic Police in the Ministry of Public Order and Citizen Protection and to the Department for the Protection of Refugees and Asylum Seekers in the Ministry of Labour, Social Security and Welfare, via long-term deployment of two experts with specific knowledge and experience in the areas of the solidarity funds. EASO ASTs contributed with hands-on support to the daily routine of the SOLID Funds Responsible Authorities. Greece requested the extension of initial deployment for both experts. One expert was deployed to work with the Ministry of Labour, Social Security and Welfare, and provide assistance with the European Refugee Fund (ERF) until the end of December 2014. The other expert was deployed to work with the Ministry of Public Order and Citizen Protection on the European Border Fund (EBF) until the end of July 2013. Support was given, among other things, in the following areas:

- Design of grant agreements under the EBF, a Community Action project under the EBF in cooperation with Bulgaria and assistance with project's applications and budgets for projects under the Return Fund (RF);
- Submission to the European Commission of overdue evaluation and final reports;
- Applications for funding under the ERF Emergency Measures 2013 (4 M euros was granted as a result);
- Ad-hoc assistance on eligibility rules, the AMIF Multi Annual Programme and Specific Actions.

Additional support and assistance in the management of projects, financed through various EU funds, from the perspective of the funding authority as well as the final beneficiary, will be provided in the framework of

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<sup>3</sup> The Ministry of Health and Social Solidarity (currently the Ministry of Labour, Social Security and Welfare) is the Responsible Authority for the European Refugee Fund (ERF). The Ministry of Citizen Protection (currently the Ministry of Public Order and Citizen Protection) is the Responsible Authority for the External Borders Fund and the Return Fund.

the EASO Operating Plan Phase II to Greece.

#### **Situation in May 2014**

Work plans were developed for each deployment period, in consultation with the European Commission (DG HOME and the Task Force for Greece). The management capacity of all funds has been improved through hands-on assistance in financial, procurement, programming, monitoring, evaluation and reporting, training and coaching of staff. Additional assistance is planned through workshops and study visits, in the field of reception and open accommodation, with the objective of building a consistent, sustainable, harmonized reception system offering the same high standard of services throughout the existing and future accommodation infrastructures that fall under the Ministry of Labour, Social Security and Welfare and the First Reception Service.

The management of the ERF is understaffed, among other things due to:

- Lack of time for long term planning, overall vision and monitoring the beneficiaries;
- Delays in payments related to projects, which have led to terminations, cancellations and underspending, putting at risk the absorption capacity of the funds and the current open accommodation capacity.

#### **Measures to be considered:**

- **Strengthen cooperation** between the ministries to ensure a smooth transition to the new EU funding cycle and in drafting the AMIF Multiannual Annual Programme;
- **Improve the inter-ministerial cooperation** on common responsibilities, like open accommodation;
- **Produce common Standard Operating Procedures** for all open accommodation facilities and **establish a monitoring mechanism** for the sustainable and undisrupted provision of services, in accordance with the Reception Conditions Directive;
- **Increase the current number of staff of the ERF R.A. (7) to at least the number of 12, as foreseen in Law 3918/2011, art.51**
- **Consider the position** of the Ministry of Labour in relation to the AMIF, as well as the possible roles and risks attached;
- It is advisable that tools, like ICT or ERF Technical Assistance are used to their full potential.

#### **4 – WAY FORWARD**

This interim assessment report addresses the state of implementation of the EASO support measures contained in the EASO Operating Plan for Greece, compares the current situation with the situation in March 2011, identifies the changes made until the end of May 2014 and highlights where further efforts might be needed. The report shows that with the support of EASO, Greece has taken important steps to reform its asylum and reception policies.

Nevertheless, capacity building should remain a priority in the field of asylum, reception and clearing of the backlog of asylum cases, with a view to ensure the sustainability of the new procedures and further improve the standards in accordance with EU and Greece's legal obligations.

EASO will discuss the findings and the recommendations of the report with the Greek authorities and discuss additional actions and measures if necessary.

The current EASO Operating Plan for Greece runs until the end of 2014.

## Annex 1 – asylum trends

First Instance Process	2013							2014							Total
	June	July	August	September	October	November	December	January	February	March	April	May	June		
Flows															
A Applicants	535	773	611	676	832	761	628	759	888	797	842	846	729	9 677	
B Reopened cases	-	2	1	8	7	3	8	22	18	27	23	24	20	163	
Decisions															
C Decisions	0	185	229	296	491	459	418	412	484	435	552	642	601	5 204	
Refugee status	-	-	2	13	66	65,0	83	62	81	84	88	99	117	760	
Subsidiary protection	-	-	2	9	16	39,0	26	37	27	31	44	52	41	324	
Recognition rate		0%	2%	7%	17%	23%	26%	24%	22%	26%	24%	24%	26%	21%	
Negative decision	0	185	225	274	409	355	309	313	376	320	420	491	443	3 677	
D Otherwise closed cases	0	22	52	90	110	135	148	162	148	135	164	168	145	1 479	
E Pending cases	535	1 103	1 434	1 732	1 970	2 140	2 210	2 417	2 691	2 945	3 094	3 131	3 157	3 157	

Data source: Ad-hoc data provision by Asylum Service from June 2013 to April 2014; EASO data collection from May to June 2014

## Annex 2: training via the EASO Training Curriculum

Overview of staff of the First Reception Service, Asylum Service and Appeals Authority trained via the EASO Training Curriculum (during April 2011 - April 2014).

524 participants in national training sessions:	Country of Origin Information (65); Drafting and Decision Making (20) Evidence Assessment (92); Exclusion (38) Inclusion (128); Interview Techniques (116); Interviewing Children (34); Interviewing Vulnerable Persons (31);
55 Trainers accredited through train-the-trainer sessions:	Common European Asylum System (4); Country of Origin Information (7); Drafting and Decision Making (6); Evidence Assessment (5); Exclusion (2); International Refugee Law and Human Rights (1); Inclusion (13); Interviewing Children (2); Interview Techniques (13); Interviewing Vulnerable Persons (2).



### Annex 3: Flow chart reception/open accommodation and asylum process

#### Arrival of immigrants

– **Hellenic Police** is responsible for border control and first identification

#### Illegal entry = Detention

- Hellenic Police makes the referral to **First Reception Service**
  - Ask asylum at own initiative
  - Ask asylum after being arrested by the Hellenic Police

#### First Reception System (15 days + 10 days)

- Access to procedure in **First Reception Centres**: Information, Advice, Trained Officers, Interpretation and Translation
- Reception and Medical examination – **First Reception Service**
- Determination of special needs – **First Reception Service**
- Formal intake - **First Reception Service**: Identification, Registration, EURODAC fingerprints (category 2)
- Referral to relevant authority (**Asylum Service**)

#### Reception System for vulnerable groups

- After identification of special needs by **First Reception Service**, referral to relevant authority (**EKKA**):
  - vulnerable groups, women – remain in (open) accommodation centers until the asylum procedure is completed (**6 months**);
  - minors – remain in (open) accommodation centers until their adulthood.

#### Open Reception Facilities (ORF)

- applicants of international protection (namely single men, families and vulnerable persons including women and unaccompanied minors) and persons that applied for voluntary return;
- **First Reception Service**, in cooperation with IOM, by mid-2014;
- seven structures (four in Attica, one in Serres, Viotia and Sparti) were identified

#### Closed Reception Facilities

- after 25 days, applicants of international protection pending asylum procedure are referred to closed reception facilities (**Hellenic Police**)

#### Asylum determination process

- Access to procedure in **Asylum Service**: Information, Advice, Trained Officers, Interpretation
  - EURODAC fingerprints
  - Admissibility
  - Determination of responsible Member State (Dublin)
  - Personal Interview, Individual, objective, impartial
  - Evidence and credibility assessment
  - Country of Origin Information (COI)

#### Asylum decision

- **Asylum Service**: Translation and interpretation (via METAction)
  - Positive decision
  - Negative decision

#### Effective remedy

- Appeal and more in **Appeals Authority through 19 Appeals Committees**: Translation and interpretation (via METAction)
  - Positive decision
  - Negative decision