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EASO HOTSPOT OPERATING PLAN

TO GREECE

Valletta Harbour and Athens, September 2015



Hereby the Executive Director of EASO and the Alternate Minister of Interior and Administrative Reform of Greece agree on the EASO Hotspot Operating Plan for the support and deployment of EASO Asylum Support Teams and the provision of technical and operational assistance for joint processing of asylum cases in Greece.

Valletta Harbour and Athens, September 2015

SIGNED 30/09/2015

Executive Director
of the European Asylum
Support Office

Dr Robert K. Visser

Alternate Minister
of Interior and Administrative
Reform of Greece

Ioannis Mouzalas



1 INTRODUCTION

1.1. Specific needs of Greece

The Special Meeting of the European Council on 23 April 2015 and the 10 point plan on migration adopted by the Foreign and Interior Affairs Ministers on 20 April 2015 give a mandate to EASO to *'deploy EASO teams in frontline Member States for joint processing of asylum applications, including registration and finger-printing.'*

Greece is confronted with a very high influx of mixed migratory flows, mainly arriving by sea. Provision of relevant information as to where and how applications for international protection may be lodged, support in registration, identification, fingerprinting, further referral to the international protection procedure, as appropriate, and case preparation of the asylum files, especially in the context of Dublin procedures, is needed.

The operational support to be provided using the "Hotspot" approach will be tailored to the specific situation at the external sea or land borders. The following operational support could be included in the field of asylum:

- **Registration and screening of irregular migrants** by Frontex to determine their identity and nationality, and provision of information, where appropriate, concerning the asylum process. Fingerprinting and registration in EURODAC will be carried out by the hosting Member State authorities, and, if requested by them, with the support of the relevant EU Agencies and of expert teams specifically deployed on site for the fingerprinting activities. At this stage, each individual undergoes a first screening interview. Following the screening it should be possible to distinguish between the following categories of persons: Persons who may be in need of international protection, whether they wish to apply for asylum or not (Actors: national competent authorities with the support of EASO); Persons who are unlikely to be in need of international protection (including following determination on their asylum claim, should they apply for asylum): procedures for immediate return (Actors: national competent authority with the support of Frontex);
- **Asylum support**, in line with the joint processing concept, by channelling asylum seekers into the appropriate asylum procedure (normal, accelerated/border procedure, prioritized/Article 78(3) procedure, according to the relevant national legal system) and assisting with registration of asylum seekers and subsequent preparation of case files. In this framework EASO teams, alongside with UNHCR, could focus on persons in clear need of international protection in order to ensure swift processing possibly linked to relocation (Article 78(3) decision).

The request for operational support by EASO will complement the activities implemented under the EASO Special Support Plan to Greece and ensure sustainability of the good results achieved so far by Greece and EASO, so that the current and future challenges can be adequately addressed. In the light of these facts, EASO examined the request and the situation in Greece and came to the conclusion that there is a need for support. The Executive Director of EASO therefore decided on a comprehensive support package for specific joint processing activities of applications for international protection in Greece, as described below, by providing expertise from EASO and the Member States until the end of 2015. Furthermore, in connection with the application of the emergency measures under the art 78(3) TFEU, the support of EASO will be further enhanced for the duration of the relocation mechanism, following an exchange of letters between EASO and Greece.

EASO will participate in the EU Regional Task Force (EURTF), and deploy support teams in the border areas for provision of information to new arrivals, and for case preparation of persons possibly to be relocated and/or transferred under the Dublin system to other Member States, possibly in Athens. It will work closely with Asylum Service staff in these locations.

The EASO Hotspot Operating Plan to Greece lays down the conditions and objectives of EASO's specific technical and operational support **for joint processing of asylum cases in Greece** and sets out the conditions for



participation of Asylum Support Teams in these specific EASO activities, as stated in Article 18 of the Regulation 439/2010, of 19 May 2010, establishing EASO ("EASO Regulation").

1.2. Flexibility Clause

Given the nature of EASO's support measures, which have to be timely, active and flexible, and taking into consideration the availability of resources and experts and changing circumstances of the international protection and reception systems in the Member States, the foreseen calendar of the activities is just a forecast and may change. Any change will be subject to discussion between EASO and the Host Member State.

The Executive Director of EASO is authorised to make changes that may be accommodated within the objectives of a measure without requiring an amendment of the Hotspot Operating Plan, provided that they do not affect the overall budget and that Greece is timely informed in writing.

1.3. Lawfulness and Respect of Fundamental Rights

Support related to the participation in EASO activities under the EASO Hotspot Operating Plan to Greece must be carried out in a way that fully respects human dignity. All persons involved in operational support activities shall maintain the highest standards of ethical conduct, professionalism, respect and promotion of fundamental rights and international protection. This particularly applies vis-à-vis persons who are in need of international protection. They are expected to meet obligations imposed upon them by the provisions of the EASO Hotspot Operating Plan to Greece and shall comply with the rules of their mandates. Whilst taking part in the EASO operational support activities, personnel shall respect the applicable International law, European Union law and the national law of the Host Member State. They shall maintain the highest standards of integrity and conduct. They are to act responsibly and proportionally to current objectives. Whilst carrying out supporting functions, personnel must not discriminate persons on grounds of sex, race, religion, ethnic origin, age or sexual orientation. Personnel are expected to treat every person with courtesy, respect and due consideration for the nature of any legitimate activity in which they are engaged. To perform their duties properly, they shall serve the public interest and refrain from any activities which could undermine or compromise their independence and the appropriate performance of their duties.

During the implementation of the EASO Hotspot Operating Plan to Greece, all participants must apply a "zero tolerance" attitude with respect to the infringement of fundamental human rights. All participants in EASO operational support activities shall act in accordance with the Code of Conduct.

1.4. Confidentiality and data protection

Without prejudice to the public right of access to documents as laid down in Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001, regarding public access to European Parliament, Council and Commission documents and the EASO implementing rules on access to documents¹, all versions of this document shall be made available to the authorities referred to in each EU Member State, including and where participating Iceland, Liechtenstein, Norway and Switzerland. This document shall be made available to interested parties on a need to know basis, in accordance with national rules for the dissemination of levels of information. This will be done on a case-by-case basis.

Upon signing the EASO Hotspot Operating Plan to Greece, it shall be made publicly available.

Personal data will be processed in accordance with Regulation (EC) 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

¹ Decision No. 6 of the Management Board of EASO of 20 September 2011 laying down practical arrangements regarding public access to the documents of EASO.



2 MISSION

2.1. Stakeholders

EASO and Greece will make use of the already established contacts in the EASO Special Support Plan to Greece in view of the implementation of the EASO Hotspot Operating Plan to Greece. This will occur through an exchange of letters following the signing of the Plan.

The Greek stakeholders involved in the process and their respective roles are the following:

Stakeholders	Responsibility
Asylum Service, Ministry of Interior and Administrative Reform	The Greek Asylum Service was established by Law 3907/2011 and it is the first specialised Civil Service in the country, competent to adjudicate on applications for international protection (refugee status-subsidary protection) through its regional offices on first instance. In addition, the Asylum Service provides administrative support to the new Appeals Authority (administrative appeal procedure).

3 MEASURES

Chapter 3 of the EASO Hotspot Operating Plan to Greece describes the various measures to support the Greek authorities in the field of international protection and reception.

Greece and EASO will provide the Member States experts with information on the general state of play with regard to the procedure for international protection and reception system in Greece and specific information about the state of play of the deliverables as described in the specific measures. Every effort will be made to provide a working place for the expert(s) participating in the activities to implement the Hotspot Operating Plan in the Asylum Offices concerned, and, in the case of border locations, where such offices exist. EASO will provide the technical equipment required for the work of the expert teams and will reimburse costs incurred by persons participating in the activities, according to the specific EASO rules.

EASO will provide technical support to experts participating in the EASO Hotspot Operating Plan to Greece with the aim of ensuring that the products delivered make good use of the expertise and information already available to EASO. All intellectual property rights of the work of the experts performed in the context of the Hotspot Operating Plan are vested in EASO. Selected products developed under the EASO Hotspot Operating Plan to Greece may be published.

The final evaluation will aim to assess EASO's performance, identify key lessons learned and good practices of the Hotspot Operating Plan to Greece.

EASO will maintain close cooperation and communication with the relevant stakeholders.



EASO Activity HEL 1: Support with the provision of relevant information to potential applicants for international protection	
Responsible authorities	Asylum Service, Regional Asylum Offices and Asylum Units (especially in Athens, Lesvos and Samos)
Current situation	<p>More than 200,000 migrants have arrived in Greece during the first eight months of 2015, out of which 75 % are coming from countries affected by war and violence (Syria, Iraq, Somalia, Eritrea and Afghanistan). The main points of entry are the islands along the blue border with Turkey. Identification, screening and, on a voluntary basis, debriefing takes place at the locations of apprehension. In some places, medical screening is performed, information is provided by UNHCR and IOM and vulnerability checks are made. During the identification, the question is addressed whether the third country nationals intend to lodge an application for international protection. If the answer is positive, he/she is then referred to the Regional Asylum Office/Asylum Unit.</p> <p>Despite an efficient asylum procedure and eligibility rates at least as high as the average EU rate, the great majority of new arrivals currently does not express their intention to apply for international protection in Greece and instead wants to move on to other countries. Even persons who could benefit from family reunification clauses in the Dublin Regulation often prefer to continue travelling, regardless of the costs and risks involved, as the necessary procedures are perceived as too lengthy. Given the very high number of new arrivals, additional human resources are required to address any information gaps and provide tailor-made information on the international protection procedure and advice as to where and how applications may be lodged.</p> <p>Between the expression of intent to apply for international protection (the 'making' of an application) and the actual registration of that intent (the formal 'lodging' of the application) could be a certain time gap.</p> <p>The entry into force of Art. 6 APD on 20 July 2015 introduces a requirement for all Member States to register within 3 (max. 10) working days all applications made to the competent or 'other' authorities. EASO has provided guidance to Member States on how such requirements should be understood and implemented.</p>
Objective(s)	<p>Potential applicants for international protection to be earlier identified and information about the asylum procedure provided. At the earliest time possible, registration of the intention to apply for international protection (the 'making') and full registration of the application itself (the formal 'lodging') is performed.</p> <p>More persons in need of international protection, especially those with special needs, provided with the necessary information about the international protection system in Greece in order to enable effective access to the examination procedure.</p>
Pre-condition(s)	- Information material about the Greek procedure for international protection and other background documents provided.
EASO support	2 experts per deployed place / 3 months, 2 travel days Envisaged place of deployment: Lesvos, Samos, Kos, Leros and Chios
Implementation	2015: Q4, with the possibility to extend in 2016-2017
Deliverable (s)	- Information provided to new arrivals about the international protection procedure



	<p>in Greece and advice as to where and how applications may be lodged (including information on the Dublin and relocation procedure), as well as the cooperation requirement and possible consequences of non-cooperation.</p> <ul style="list-style-type: none"> - Support offered in identifying persons as potential 'relocation candidates'. - All persons who express the intention to apply for international protection referred to the Asylum Service for further registration and processing of the application.
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EASO Activity HEL 2: Support with handling outgoing Dublin take charge requests, including relocation cases	
Responsible authority	Asylum Service, Dublin Unit
Current situation	<p>The European Commission proposed to make use of the emergency response mechanism under Article 78(3) of the Treaty on the Functioning of the European Union. This provision, which is being activated for the first time, aims to set up an emergency relocation scheme to assist Member States in need. Brief description of the registration and Dublin procedure in Greece:</p> <p>Third country nationals are registered as applicants for international protection in the Asylum Service's database (ALKIONI). The registration form contains information on the identity of the applicant but also Dublin relevant information (hierarchy of criteria), previous applications for international protection and a few questions relating to the current application.</p> <p>Following the registration process, when circumstantial evidence and proof are available regarding the possible request to another Member State (e.g. on humanitarian grounds due to family/cultural relations, i.e. use of discretionary clause as per Art. 17(2) of recast Dublin), the Regional Office refers the case to the Dublin Unit by sending an e-mail informing about the present case and file number. The physical file is then forwarded to the Dublin Unit. It includes the registration form and inter alia any documents submitted by the applicant such as consent for reunification and/or documents from family members residing in other Member States etc. All information and scanned documents are uploaded in ALKIONI.</p>
Objective(s)	Potential Dublin cases, including in the context of relocation, in which another Member State could be responsible for examining the application for international protection, timely identified and processed.
EASO support	10 experts / 3 months / 2 travel days per mission
Implementation	2015: Q4; , with the possibility to extend in 2016 -2017 (additional 20 experts are envisaged)
Deliverable(s)	<ul style="list-style-type: none"> - Operational system set up to identify and register applicants for international protection, who wish to be candidates of the relocation procedure, in order to place them on a dedicated list during the registration process performed by the Asylum Service with the assistance of EASO experts as appropriate. This includes a prioritisation of applicants identified as persons with special needs. - Support provided with the submission of Dublin and relocation cases (including by



	<p>matching the identified applicants and the Member State of relocation to the extend possible), organising and engaging in correspondence between Greece and the receiving Member State and submitting outgoing requests (along with the relevant elements of their individual case files) to a specific receiving Member State.</p> <ul style="list-style-type: none"> - Information provided to candidates and participating Member States, including on transfer, as appropriate.
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EASO Activity HEL 3: Support with the detection of possible document fraud	
Responsible authority	Asylum Service
Current situation	<p>Secure identity documents are presented as proof of identity and nationality for registration in the international protection procedure. Document verification is crucial in ensuring that these documents are both genuine and presented by the rightful holder.</p> <p>In this context, there is a need for advice and training regarding the examination of identity documents. No unit or expert team specialised on the examination of identity documents exists, although staff have received relevant training from the Hellenic Police. Suspect documents are referred to the Hellenic Police for verification.</p>
Objective(s)	Increased awareness of different types of identity documents and of document abuse and associated criminality. Increased confidence in what to look for when presented with an identity document.
EASO support	2 experts / 3 months / 2 travel days per mission
Implementation	2015: Q4, with the possibility to extend in 2016-2017
Deliverable (s)	- Provide advice on existing practices, techniques, tools and tips related to identity documents (especially related to documents of claimed Syrians, Iraqis, Afghanis and Palestinians – stateless persons).

4 COOPERATION WITH UNHCR

In accordance with Article 50 of the EASO Regulation, EASO aims at continuing in a coherent and complementary way the fruitful cooperation with UNHCR. In this framework, in particular in line with its mandate and role in Greece, as well as on-going UNHCR activities, UNHCR will support relevant measures in the EASO Hotspot Operating Plan to Greece.

The regular exchange of information on the implementation of the Hotspot Operating Plan and UNHCR's operations in Greece will ensure the complementarity and synergies of the support offered to Greece.

5 FINAL PROVISIONS

5.1. General reporting provisions

A reporting system will be established for monitoring the implementation of the Hotspot Operating Plan and to define improvements within the Greek procedure for international protection so as to assess any further needs or changes. In particular, the Asylum Support Teams will provide a Final Report to EASO via the corresponding template to be found in Annex A.



5.2. Incident reporting

Participants in EASO activities who have reason to believe that a violation of the present Code of Conduct has occurred or is about to occur, are obliged to report the matter to the Executive Director of EASO and to the Host Member State Coordinator for the Hotspot Operating Plan via the appropriate channels.

Any accidents that may occur throughout the participation of experts in the Asylum Support Teams shall be reported through the same channels. Incident reporting templates can be found at Annex B.

ANNEXES

Annex A: Format for the Final Report

Annex B: Incident reporting template



Annex A: Format for the Final Report

EASO Hotspot Operating Plan to Greece

Measure no [X]	<i>[please insert title]</i>		
EASO Measure Coordinator	<i>[name and surname]</i>	Greek Measure Coordinator	<i>[name and surname]</i>
Expert(s)	<i>[name and surname]</i>	Date of submission	<i>[submission of the report]</i>
Expertise area	<i>[profile]</i>	Time-frame	<i>[date of participation]</i>
Member State(s)	<i>[X]</i>		

Background and introduction *(please provide an overview of the current situation, synergies with other measures and how this measure has contributed to the enhancement of the specific area)*

Specific objectives and deliverables agreed to prior to the participation

-
-

Description of activities *(please identify stakeholders and deliverables for each activity)*

-
-

Concrete products delivered *(please list the products for each activity)*

-
-

Coordination with EL, EASO and other relevant stakeholders *(e.g. briefings, follow up meetings, debriefings etc.)*

-
-



Recommendation(s) and advice(s) for possible next steps (*SMART formulated*)

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Observations and challenges (*please refer to any challenges encountered during the mission as well as any challenges foreseen at the implementation phase*)

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Suggestions/Roadmap for implementation (*including timeframe, potential follow-up missions with suggested dates and deliverables, and availability for post-participation consultation*)

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Annex:

- Technical reports/deliverables



Annex B: Incident reporting template

Article 19 of the EASO Code of Conduct for persons participating in EASO operational support activities states that:

"Participants in EASO operational support activities who have reason to believe that a violation of the present Code of Conduct has occurred or is about to occur, are obliged to report the matter to the Executive Director of EASO through the responsible officer in EASO and to the host Member State via the appropriate channels.

The list of contact persons in EASO and the host Member State is provided in the working arrangement accompanying each EASO Hotspot Operating Plan, Special Support Plan and Joint Processing activity. Main email address in EASO is operations@easo.europa.eu"

Should such an incident should occur, or if other incidents need to be reported, please fill the present form.

Name of expert:
Type of incident:
Full description of the incident:
Area Deployed:
Date of incident/accident:
Time of incident/accident:
Describe what activity was taking place, e.g. training, working, etc.

