



## Input by civil society to the EASO Annual Report 2016

EASO has started production of the Annual Report on the Situation of Asylum in the European Union 2016, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). The report will be finalised by collecting information from EU+ countries, civil-society stakeholders, UNHCR and other relevant sources on main developments in asylum policies and practices of EU+ countries in 2016.

Previous reports can be consulted on EASO's website: <https://www.easo.europa.eu/information-analysis/annual-report>

We would kindly like to ask you to provide your **observations**, - preferably bullet points to facilitate further processing of your input - **on developments in asylum law or practice in 2016 (and early 2017) in the areas listed below, reflecting the usual structure of the report**. Observations may concern national practices of specific EU+ countries or the EU as a whole.

The EASO Annual Report will not describe the national asylum systems in detail but present key developments in 2016, including **improvements and new/remaining concerns**. The topics listed below reflect the structure of chapter 4 of the EASO report on the 'Functioning of the CEAS'. We kindly ask all contributors to provide brief summaries only on those topics/issues that have seen important **improvements/deterioration as well as new concerns or where previous relevant concerns remained in 2016**.

Please bear in mind that the EASO Annual Report is a public document. Therefore, your input should be, whenever possible, supported with references to written sources to ensure transparency. That can be done by providing links to any documents such as position papers, important press releases, studies, comments, input to the other reports, public statements to government programs, etc.

While EASO endeavours to cover all relevant developments and strives to include as many references as possible, the final content of the EASO Annual Report remains bound by its terms of reference and volume. Therefore, while all contributions are gratefully received and recognised, EASO may edit contributions for length and clarity and use the submissions to best serve the objective of the Annual Report: to improve the quality, consistency and effectiveness of the CEAS.

Please provide your input by filling in this document (with attachments if required) and emailing it to [ids@easo.europa.eu](mailto:ids@easo.europa.eu) **AND** [consultative-forum@easo.europa.eu](mailto:consultative-forum@easo.europa.eu) **by 20 February 2017**.

Within the areas, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.
- Please use the topics listed below as a guide to providing input for each section. **DO NOT** provide information unrelated to relevant new developments.

Name of the contributing stakeholder: DRC Greece

Contact details: Wafi Kakar ([wafi.kakar@drc-greece.org](mailto:wafi.kakar@drc-greece.org))

The information provided in this document is based on the observations of DRC Greece, protection actor present in Lesvos (Moria hotspot), Attika (Elliniko II and III camps and Skaramagas camp), in Central Greece (Koutsochero, Trikala and Volos camps) and in Northern Greece (Lagadikia and Kavalari, Alexandria and Veria camps)

### 1) Access to territory and procedure

Based on DRC Greece's observations, protection actor operating in Moria; (Lesvos) while persons of concern are registered by Reception and Identification Center when they arrive on the island their full application for asylum is not registered timely by the Regional Asylum office. In 2016 it has been observed that depending on the nationality of the persons of concern many did not have access to the asylum procedure for more than five months after their registration by RIC. In principle Asylum Service registered and examined the asylum claims of Syrians (examination on the admissibility of their claim) as well as nationalities with recognition rate of below 25% (examination on the merits). Claims of asylum seekers of other nationalities were not subject to admissibility procedures in 2016. According to verbal communication by RAO through UNHCR focal point on Lesvos, In January 2017, the admissibility procedure was expanded and now includes nationals of Iran, Iraq, Afghanistan, Yemen, Eritrea and Palestine.

### 2) Access to information and legal assistance

While the law provides for free legal aid at second instance and before the Courts (when the requirements of the law are fulfilled), in Moria (Lesvos) however, it has been observed that for organizational reasons asylum seekers do not have unhindered communication with their lawyers, as the lawyers are informed on the date of the interview before the Asylum Service (first instance examination of the asylum claim) in the afternoon of the day before the interview. Often, beneficiaries called for the registration and/or the interview do not have possibility to meet the lawyer prior to registration date. Furthermore, it is to be noted that the free legal aid was not in place before August 2016 (only after UNHCR funding) even though the law came into effect in March last year.

### 3) Providing interpretation services

While interpretation is provided by State at the asylum procedure, the lack of interpretation at public hospitals and services (including the Civil Acts Registry) is a source of concern. Asylum seekers are not informed on their rights as patients while they need always assistance to communicate with doctors. In addition, the fact that they need the assistance of protection actors to register the birth of their children is an obstacle to their integration in the country.

### 4) Dublin procedure

Based on DRC Greece's observation, protection actor in many camps in the mainland (Attika region, in Elliniko II and III and Skaramagas, in Central Greece in Koutsochero, Trikala and Volos and in Northern Greece in Lagadikia, Kavalari, Alexandria and Veria) the departure of asylum seekers who receive positive decisions for family reunification are delayed because the Asylum Service has not the necessary funding to pay for their tickets. It has also been observed that requests are not sent timely – which then leaves it to the discretion of the country receiving the request to accept a take charge request. There is also a big gap regarding information to asylum seekers about other member states' accepting their application to have their case examined there. The information is provided by the Greek Dublin Unit but with long delays.

### 5) Specific procedures (border, accelerated, admissibility)

The exceptional admissibility procedure provided for by article 60 paragraph 4 of Greek Asylum Law was not applied in a uniform way on the islands of East Aegean Sea. While asylum claims submitted by Syrians were examined on admissibility, on the cases of other asylum seekers, the Asylum Service examined their claims on the merits. There has been concerns about the compliance of the authorities' practice regarding inadmissibility with international law.

## 6) Reception of applicant for international protection:

In the context of the refugee crisis that Greece is dealing with there are serious shortcomings in the reception of asylum seekers. Firstly, not all of the hosting/open temporary reception centers established in the mainland are subject to the law. Only the sites of Schisto, Diavata, Leros and Elaionas have been established by law (ministerial decision) while five sites (in Lesvos, Kos, Leros, Chios, Samos, Fylakio) are operating (according to the law) under the authority of Reception and Identification Centre.

Establishment of the hosting / open temporary reception centers by law means that asylum seekers should comply with the obligations provided for by the Regulations of the site (adopted by ministerial decision) and that the State should provide to them the services provided for by the Law. Because of the different status of the hosting centers in the mainland not all asylum seekers receive the same treatment. For example, there are centers where no child protection actor is operating (as in the old Arrivals Airport in Elliniko), thus raising serious concerns mainly for the UAMs living in the site.

## 7) Detention:

DRC Greece's protection team operating in Moria observed that asylum seekers occasionally remained in the hotspot under restriction of personal liberty for more than 25 days' period provided for by article 14 of Law 4375/2016. It is to be noted that the blanket detention for 25 days violates international and EU law.

## 8) Procedures at First instance:

## 9) Procedures at Second Instance:

The jurisprudence of the Appeal's Committees against the EU-Turkey Agreement was the reason the Ministry of Migration decided to amend again Law 4375/2016 and to appoint two judges in the newly formed Committees. While the new Committees, provided for by Law 4399/2016 have been established since August 2016 they stopped examining cases falling under the EU-Turkey Statement when a case has been brought before the Council of State questioning the EU-Turkey Statement and the provisions adopted by the Greek legislation for its implementation. This observation is justified by the statistics provided by Greek Asylum Service. In 2016 have been submitted 7125 appeals while only 2092 decisions were issued by the Appeals Committees (see at: [http://asylo.gov.gr/en/wp-content/uploads/2017/02/Greek-Asylum-Service-statistical-data\\_December2016\\_en.pdf](http://asylo.gov.gr/en/wp-content/uploads/2017/02/Greek-Asylum-Service-statistical-data_December2016_en.pdf)).

## 10) Availability and use of Country of Origin Information:

## 11) Vulnerable applicants:

Greek Authorities are struggling to accommodate and provide appropriate services to UAMs living in the country. A major problem that raises concern is the implementation of the age assessment procedure by the Reception and Identification Service (mainly in Lesvos). Specifically, the provisions of the relevant ministerial decision are not applied, and the assessment is based only in the medical examination. In addition, RIC is requesting UAMs to provide official documents issued by the authorities of their countries of origin disregarding basic principles of refugee law, such as the treatment of asylum seekers as refugees until the final rejection of their asylum claim.

Another source of concern is the lack of services for GBV survivors. While Greece has adopted the relevant legislation lack of interpretation in the shelters already operating for GBV survivors and provisions of specialized services by professionals familiar with refugee law is a source of concern.

## 12) Content of protection – situation of beneficiaries of protection

While the only reservation of Greece to the 1951 Convention on the Status of Refugees is restriction of movement in emergency situations, according to the national legal framework recognized refugees are entitled to the treatment Greeks enjoy in the aspects of their everyday life (including work conditions, welfare assistance, access to education etc). However, it should be underlined that Greece has not adopted measures for the implementation of the Convention for the Rights of Persons with Disabilities. Refugees are suffering from this gap, namely those coming from war torn countries.

### 13) Return of former applicants for international protection

--

### 14) Resettlement and relocation

The lack of special legislative arrangements for the implementation of the relocation scheme creates confusion not only to asylum seekers, but also to lawyers. Asylum seekers cannot understand that they do not have the right to ask for relocation and they are often frustrated, especially when they want to be reunited with their family living in other EU member state.

### 15) Other relevant developments

--