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Date: 04/02/2015

DH-DD(2015)147

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Meeting: 1222 meeting (10-12 March 2015) (DH)

Item reference: Communication from the UNHCR (30/01/2015) in the case of M.S.S. against Greece (45 pages)

Information circulated at the request of the Secretariat.

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Réunion : 1222 réunion (10-12 mars 2015) (DH)

Référence du point : Communication de l'UNHCR (30/01/2015) dans l'affaire M.S.S. contre Grèce (**anglais uniquement**).

Informations circulées à la demande du Secrétariat.

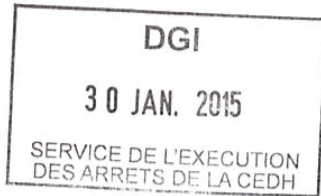
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UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés



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30 January 2015

Reference: **HCR/ST/L/15/018**

Subject: **UNHCR Observations on the Current Situation in Greece.
Request for dissemination to the Committee of Ministers in the context of the
supervision of the execution of the M.S.S. v. Belgium and Greece judgment**

Dear Mrs Mayer,

In connection with the meeting of the Committee of Ministers that will be held in March regarding the execution by the Greek authorities of the M.S.S. v. Belgium and Greece judgment (Application No. 30696/06, European Court of Human Rights Grand Chamber judgment of 21 January 2011), I would be grateful if UNHCR's enclosed "Observations on the Current Situation in Greece" (December 2014), could be circulated among the Ministers' Deputies.

The report "UNHCR Observations on the Current Situation of Asylum in Greece" can also be consulted by means of this link: <http://www.refworld.org/docid/54cb3af34.html>.

The report commends Greece for reforms it has undertaken during a period of economic difficulties and limited resources. But it also points to multiple gaps and concerns and carries a recommendation that asylum-seekers should still not be returned there.

The report is based on an assessment carried out during the last quarter of 2014. Last year, Greece was among countries of the Mediterranean that saw a dramatic increase in refugee and migrant arrivals by sea. In all, around 43,500 people arrived there via sea crossings, a 280 per cent increase from 2013. About 60 per cent were from Syria, but there were also substantial numbers of Afghans, Somalis and Eritreans. Many moved on to other EU states.

The report's recommendation that asylum-seekers should not be returned to Greece extends the advice first made by UNHCR in 2008. As well as applying to bilateral returns, the recommendation also applies to transfers under the European Union's Dublin regulation.

Ms Geneviève Mayer
Head of the Department for the Execution of Judgments
of the European Court of Human Rights
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The main problems of Greece's asylum system include difficulties in accessing the asylum procedure, a continuing backlog of unresolved cases under the old procedure, risk of arbitrary detention, inadequate reception conditions, lack of identification and support for individuals with specific needs, push-backs of people at the border, concerns over integration prospects and support for refugees, and xenophobia and racist violence.

Access to asylum remains challenging in part due to a lack of regional Asylum Service offices for processing claims and a shortage of Asylum Service staff. An individual who wants to seek asylum and is unable to register or fails to register promptly may be at risk of return and, potentially, *refoulement*.

Despite the efforts of the authorities to process a backlog of some 37,000 appeals under the old procedure, the backlog remains.

People wishing to apply for asylum can be detained without an individual assessment or without alternatives to detention being considered. Others applying while in detention remain there until their asylum application is registered, which can take months.

Accommodation for asylum-seekers is scarce and services insufficient. This is of particular concern for vulnerable individuals, such as unaccompanied and separated children and single women. While national legislation stipulates that special consideration and priority should be given to the identification, assistance, and protection of these groups, this has been difficult in practice. NGOs managing the existing reception centers for asylum-seekers and unaccompanied children are underfunded and there is a real risk of services being discontinued.

UNHCR is also concerned by reports of border practices that might place refugees and migrants at greater risk. We continue to document accounts of informal returns ("push-backs") at the Greek-Turkish land and sea borders. Tightened control measures that have been in place since 2010 have resulted in decreased numbers of people trying to enter through the Greek-Turkish land border, while entries by sea have increased.

Integration prospects and related support for refugees are practically non-existent. Many are marginalized or excluded in the absence of concrete integration measures. In addition, refugees face considerable difficulties with family unification, a right that is denied altogether to those provided with subsidiary protection. Finding accommodation is particularly difficult. There are no specific facilities for social housing or any alternative forms of support. Moreover, there is no targeted national strategy to promote employment of refugees, and, as a result, many face destitution.

Protection and integration is further impeded by xenophobia and racist violence against migrants and refugees. For example, the Racist Violence Recording Network (RVRN), an umbrella network of civil society organizations supported by UNHCR, recorded 65 incidents in the first nine months of 2014, involving physical attacks in public places against migrants and refugees because of the colour of their skin and ethnicity. The actual number of incidents is likely to be much higher, as only a small fraction of them are reported. While the Greek authorities have adopted a series of reforms and



actions to record, prosecute and prevent such crimes more effectively, people continue to be subject to verbal and physical abuse that remains unaddressed.

UNHCR is ready to continue working with the Greek authorities to address these challenges and encourages EU Member states and institutions to continue to extend their support to Greece.

I hope that UNHCR's report will be of assistance to the Committee of Ministers in its assessment of the execution of the MSS judgment and I remain at your and the Committee of Ministers' disposal for further information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Gert Westerveen".



Gert Westerveen
Representative to the European Institutions in
Strasbourg

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Greece

As a Country of Asylum

UNHCR Observations on the
Current Situation of Asylum in Greece

December 2014



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1. Executive Summary

This paper assesses the current asylum system in Greece and notes developments in particular since the last publication of UNHCR's Observations on the current situation of asylum in Greece¹ and the *M.S.S. v Greece and Belgium* judgment. Over the last two years Greece and neighbouring Mediterranean states have been experiencing an increase in the number of refugees and migrants arriving by sea, many seeking to move on to other EU states. In 2014, around 43,500 refugees and migrants arrived by sea to Greece, a 280 per cent increase from the previous year. The majority of people come from Syria (around 60 per cent), followed by Afghans, Somalis and Eritreans. This evidently represents a very complex situation with many intersecting challenges that need to be addressed both by Greece and by the European Union at large. This paper focuses in particular on the asylum system in Greece; it does not address the broader burden-sharing issues which also need attention.

In order to address the deficiencies in the Greek asylum system, some of which were highlighted in the *M.S.S.* judgment, Greece has been implementing a complex reform of its asylum system, based on the Greek Action Plan for Migration Management and Asylum developed by the Greek authorities and supported by a number of actors, including the European Commission (EC), the European Asylum Support Office (EASO) and the United Nations High Commissioner for Refugees (UNHCR). In 2013, Greece transposed the (recast) Qualification Directive (QD) but has not yet transposed the (recast) Asylum Procedures Directive (APD) or the (recast) Reception Conditions Directive (RCD).

Since 2012, the nationality of persons arriving in Greece also changed with Syrians, Somalis, Afghans, and Eritreans constituting the vast majority of new arrivals in 2014. As a result of tighter border control measures in place since 2010, the number of third country nationals who were arrested while trying to enter irregularly through the Greek –Turkish land border decreased, with an ensuing shift of irregular migration routes to sea borders. UNHCR continues to document accounts of informal returns (“push-backs”) at the Greek-Turkish land and sea borders.

Significant improvements have taken place in the quality of the adjudication of asylum claims and of decisions. These include the reduced timeframe under the new procedure for completing the examination of cases at first instance and appeal, the improved quality of interviews and decisions, as well as the observance of procedural guarantees. Some of the limited resources of the Asylum Service have also been used to prioritize the processing of asylum applications of persons in pre-removal detention. Moreover, given the high protection rate for Syrians, the registration of asylum applications of Syrians holding an identity document, and the decision-making in these cases, has been fast-tracked since August 2014.

At the same time, access to the asylum procedure still remains challenging. Less than half of the number of Regional Asylum Offices prescribed by law have been created (five out of eleven). Moreover, the Asylum Service is staffed at only 75 per cent. While the authorities have made efforts to process the more than 37,000 appeals pertaining to cases under the old procedure, the backlog still remains.

Persons who do not manage to file an asylum application face the risk of being detained and removed as irregular migrants. Administrative detention is generally applied without an individual assessment or considerations of alternatives to detention. Persons already in administrative detention as undocumented third-country nationals who then seek asylum remain in detention at least until their asylum application is registered, which can take several months. Procedural guarantees, such as lawfulness, necessity and proportionality relating to the detention of persons seeking international protection are often not properly implemented, resulting in arbitrary detention in difficult conditions. These significant shortcomings in the asylum procedure and the policy of administrative detention contribute to the reasons why a considerable number of persons in need of international protection do not wish to apply for asylum in Greece.

¹ UN High Commissioner for Refugees (UNHCR), *Observations on Greece as a country of asylum*, December 2009, <http://www.refworld.org/docid/4b4b3fc82.htm>.



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A “First Reception Service” was established in 2011 with the objective of receiving third country nationals who arrive irregularly in Greece and implementing a process for the identification of individuals with specific needs. However there is currently only one facility in Fylakio-Orestiada, and two mobile units on the islands of Lesbos and Samos. Consequently many arrivals are detained in “identification centres” or police stations instead.

Second-line reception arrangements continue to be inadequate and of serious concern as accommodation remains scarce and services insufficient. As of October 2014, the number of places in second-line reception centres and apartments was completely insufficient in comparison to the needs (1,063 places).

While first and second line reception conditions are generally insufficient, they are particularly so for individuals with specific needs, such as unaccompanied and separated children (UASC), single women, and other vulnerable individuals, resulting in homelessness of asylum-seekers and difficulties accessing much needed health services. While national legislation stipulates that special consideration and priority should be given to the identification, assistance, and protection of these groups, this has been difficult in practice. NGOs managing the few existing reception centres for asylum-seekers and UASC are underfunded and services they provide to a small percentage of asylum-seekers with specific needs are at risk of being unsustainable in the absence of sufficient funding.

Integration prospects for refugees and subsidiary protection holders remain of serious concern. Refugees are unable to integrate successfully in the country for a variety of reasons, including, importantly, the considerable difficulties they face in initiating family reunification, a right that is denied altogether to beneficiaries of subsidiary protection. Despite the fact that recognised refugees are included in the 2014 National Integration Plan (NIP), they are often marginalised or excluded because integration policies are not accompanied by targeted integration measures and post-recognition support. Finding accommodation is particularly difficult, as there are no provisions for social housing or other alternative arrangements from which refugees can benefit. As a result, many of those granted international protection face the risk of homelessness and destitution. Furthermore, inability of refugees to produce the required documentation and lack of recognition of their qualifications limits the ability of refugees to participate in the already limited employment programmes.

Effective security and integration of beneficiaries of international protection is further impeded by the high-levels of xenophobia and racist violence against migrants and refugees. While the Greek authorities have adopted a series of reforms and actions to record, prosecute and prevent related crimes more effectively, persons of concern to UNHCR continue to be subjects of verbal and physical abuse that remain unaddressed.

The report concludes with a recommendation to Governments to continue to refrain from returning asylum-seekers to Greece.



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2. Introduction

UNHCR is mandated to supervise the application of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (hereinafter jointly referred to as the Refugee Convention) under its Statute, in conjunction with Article 35 of the Refugee Convention and Article II of the 1967 Protocol.

In this context, this paper assesses the asylum system in Greece in the light of developments which have occurred since the *M.S.S. v. Greece and Belgium*² judgment. Since that time, Greece has been implementing an in-depth reform of its asylum system, in order to address the deficiencies highlighted in the *M.S.S.* judgment, and to ensure a fair and efficient asylum procedure is in place. This reform, supported by a number of actors, including EC, EASO, and UNHCR, has notably resulted in the establishment of the new Asylum Service, Appeals Authority and First Reception Service.

3. Selected statistics

In 2012, arrests on account of irregular entry/stay at the Greek-Turkish borders saw a decrease due to intensification of surveillance measures. This in turn led to a clear shift from the land to the sea borders. The nationality of new arrivals has also changed. While in 2010-2011 a high proportion of intercepted arrivals originated from Pakistan, Bangladesh, Morocco and Algeria, 91 per cent of those arriving in 2014 were Syrians, Afghans, Somalis and Eritreans.

Arrests at the Greek-Turkish land and sea borders 2010 - 2014 (Sept)*

Year	Land-borders (Evros region)	Sea borders (islands of the Aegean Sea)	Total	Top 5 nationalities (all arrests in the country – excluding Albanians)
2010	47,088	6,204	53,292	Afghanistan, Pakistan, Palestinians, Algeria, Somalia
2011	54,974	1,030	56,004	Afghanistan, Pakistan, Bangladesh, Algeria, Morocco
2012	30,433	3,651	34,084	Afghanistan, Pakistan, Syria, Bangladesh, Algeria
2013	1,122	11,447	12,569	Syria, Afghanistan, Pakistan, Bangladesh, Somalia

*Source: Ministry of Public Order and Citizen Protection³

During 2012, 9,577 asylum applications were submitted to the police under the old asylum procedure by persons originating mainly from Pakistan, Bangladesh, Georgia, Afghanistan and Albania. In 2013, that number dropped to 3,407, while simultaneously 4,816 applications were received under the new procedure in the second half of the year. While many continued to originate from the same countries as the year before, 2014 saw an increase of asylum applicants from Syria. With the possibility to apply for asylum under the old procedure discontinued in mid-2013, 6,245 new asylum applications were received in the first eight months of 2014. Asylum applicants originated mainly from Pakistan, Afghanistan, Albania, Bangladesh and Syria. The top nationalities of asylum applicants do not coincide with the main nationalities of arrivals, which confirms that many arrivals in Greece choose not to apply for asylum in the country.



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² Council of Europe: European Court of Human Rights, *M.S.S. v. Belgium and Greece*, Application no. 30696/09, Council of Europe: European Court of Human Rights, 21 January 2011: <http://www.refworld.org/docid/4d39bc7f2.html>.

³ UNHCR reports over 40,000 sea arrivals to Greece at the end of 2014. See UNHCR, *So close yet so far from safety*, December 2014, <http://www.unhcr.org/542c07e39.html>, p.3.

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In terms of nationalities of applicants for international protection, the trends were as follows:

Top 5 nationalities

	Police-operated	Asylum Service
2012	Pakistan, Bangladesh, Georgia, Afghanistan, Albania	[not yet established]
2013	Pakistan, Bangladesh, Afghanistan, Syria, Georgia	Afghanistan, Pakistan, Albania, Georgia, Egypt
2014 (August)	[referral to Asylum Service]	Pakistan, Afghanistan, Albania, Bangladesh, Syria

In terms of the granting of international protection for 2013-2014, the trends were as follows:

First Instance Protection Rate

Asylum Procedure	Year 2013				Year 2014			
	Refugee status on 1 st instance	Subsidiary protection on 1 st instance	Humanitarian Status on First Instance	Total protection rate on 1 st instance	Refugee status on 1 st instance	Subsidiary protection on 1 st instance	Humanitarian status on 1 st instance	Total protection rate on 1 st instance
Old Procedure	0.26%	0.77%	0.67%	1.7%	0.03%	1.31%	0.11%	0.45%
New Procedure	11%	4.4%	Not Applicable	15.4%	17.2%	7.6%	Not Applicable	24.8%

Protection Rate on Appeal

Asylum Procedure	Year 2013				Year 2014			
	Refugee status on appeal	Subsidiary protection on appeal	Humanitarian Status on appeal	Total protection rate on appeal	Refugee status on appeal	Subsidiary protection on appeal	Humanitarian status on appeal	Total protection rate on appeal
Appeals Committee (backlog)	8.8%	6.3%	11.3%	26.4%	8.4%	3.0%	11.4%	22.7%
Appeals Authority	6.2%	2.8%	Not Applicable	9.0%	12.7%	5.5%	Not Applicable	18.2%

Border management and access to the territory

Greece is managing an important part of the external land and sea borders of the European Union (EU) and the Schengen area. It is a main entry gate to the EU for both migrants and refugees, many of whom cross the Greek-Turkish land borders at the river Evros and the sea borders (islands of North-Eastern Aegean Sea and the Dodecanese islands).

Since 2010, border control measures have been significantly tightened in Greece, in part due to efforts by the EC to ensure that the country's border control measures were carried out in full compliance with the Schengen Agreements.⁴ To that end FRONTEX increased its operational support to Greece within the framework of Poseidon Land and Poseidon Sea Joint Operations in 2010,⁵ contributing personnel, equipment, technical and operational expertise to the authorities whose primary task is border control, namely the police and the Hellenic Coast Guard.

⁴ Council of the European Union, *EU Commission Staff Working Document on the assessment of the implementation of the Greek Action Plan on Asylum and Migration Management*, SWD (2014) 316 final, 7 October 2014, p. 17: <http://www.statewatch.org/news/2014/oct/eu-com-greek-asylum-plan-com-316-14.pdf>.

⁵ Joint Operation Poseidon (land) supports terrestrial and airborne surveillance with specialised equipment and deployment of special teams and service dogs at the Greek-Turkish border as well as some enhanced debriefing activities at the Bulgarian-Turkish border (<http://frontex.europa.eu/operations/archive-of-operations/yUq2is>). The Joint Operation Poseidon (sea) aims to control irregular migration flows and cross-border crime from the Turkish coast and Egypt towards Greece and Italy, as well as to contribute to controlling secondary migration movements from Greece towards the European Union (See <http://frontex.europa.eu/operations/archive-of-operations/8HP1tg>).

Towards the end of 2012, an electronic surveillance system was introduced along the Greek-Turkish land border, and a 12 km fence completed, effectively hindering any crossing at this part of the land border not marked by the river Evros. These measures have resulted in a shift from land crossings to sea borders in the North and South-Eastern Aegean Sea,⁶ making the journey of migrants and refugees a lot more perilous, with a number of shipwrecks in which dozens of persons have lost their lives at sea.⁷ Victims were mostly Syrians, Afghans and Somalis. The Hellenic Coast Guard counted a total of 218 search and rescue (SAR) incidents (involving 6,421 rescued individuals) during the first seven months of 2014 against a total of 110 in whole year of 2013 (2,511 persons rescued).

The Greek authorities acknowledge⁸ that they implement deterrence measures at the external EU land and sea borders, aimed at discouraging irregular crossings before they occur. The enforcement of law and order by the Hellenic Coast Guard also targets smugglers and facilitators of irregular migration.⁹

In all, according to police statistics, 29,894 persons were intercepted and arrested at the Greek-Turkish sea borders during the first nine months of 2014, in comparison to 8,052 persons during the same period in 2013, while arrivals at the land border of Evros continue to remain low since the end of 2012. The overwhelming majority (up to 91 per cent) of those arriving in 2014 were Syrians, Afghans, Somalis and Eritreans.

In 2013 and during the course of 2014, UNHCR recorded testimonies by third country nationals referring to 152 alleged incidents, who described in a credible manner that they were forced back to Turkey by Greek authorities. These informal returns / “push-backs” are occurring at both the Greek-Turkish land and sea borders.¹⁰ Those testifying reported that these informal forced returns were conducted on Greek soil by Greek law enforcement officials. According to the reports, these individuals were summarily returned to Turkey without being formally registered, as required by Greek law,¹¹ and with no assessment of their international protection needs. In some cases, these statements were further confirmed by accounts of local residents. Two incidents received particularly high attention in the

⁶ According to official Greek Police data in 2011, arrests at the Greek-Turkish land border amounted to 54,974 persons; arrests at the islands of North Aegean and the Dodecanese, amounted to 1,030 persons. In 2012, the respective figures were for land border 30,433, and for sea border (N. Aegean & Dodecanese) 3,651. In 2013, the shift is clearly marked by the respective Police and Hellenic Coast Guard data, for land border 1,122, and for sea border 11,447.

⁷ According to Coast Guard's data, 47 persons have perished at sea until August 2014, while another 26 have been officially declared missing. UNHCR estimates that the number of those perished or presumed missing may be higher, as the figures do not include those retrieved by the Turkish authorities on their side of the border. In 2013, respective official data available indicate that 15 persons perished and 6 persons went missing.

⁸ The Greek Minister of Shipping, Maritime Affairs and the Aegean referred on a number of occasions to the need for Greece to continue its operations to deter the arrival of irregular migrants and refugees, which in the Government's view has so far successfully resulted in lower numbers of arrivals in Greece. See articles in Greek “The Minister of Shipping, Maritime Affairs and the Aegean speaks to “E”: Self-sufficiency policies on the island is our duty”, 31 August 2013, <http://goo.gl/K42TTv>, “Excerpts from the interview of the Minister of Marine and the Aegean Mr. Miltiades Vatvitsiotis in radio station Vima FM: Regarding the increased migration flows in the Aegean in the last days”, 25 August 2014, (<http://goo.gl/NmGfqc>), *Meeting between the Minister of Shipping, Maritime Affairs and the Aegean, Miltiades Varvitsiotis, with the Ambassador of Israel, Arye Mekele*, 17 September 2013 (<http://www.hcg.gr/node/5848>).

⁹ During 2014, in two separate incidents, such practices resulted in severe injuries of five Syrian refugees who were onboard, while another incident resulted in the death of the presumed smuggler. On 6 March 2014, in the maritime area of Oinousses, Chios Island, three Syrians were injured while the life of another 17 persons onboard was put at serious risk (<http://www.hcg.gr/node/7074>). On 15 April 2014, in the area of Kos Island, an alleged Turkish smuggler was fatally injured (<http://www.hcg.gr/node/7374>). On 22 September 2014, in the maritime area between Pserimos and Kalymnos islands, two Syrians were seriously injured, one critically (<http://www.hcg.gr/node/8626>). (References concern Press Releases of the Hellenic Coast Guard, in Greek).

¹⁰ From 1 August 2013 to 30 September 2014, UNHCR collected testimonies on 152 alleged ‘informal’ returns from Greece to Turkey. The vast majority of these reports were made by Syrians, who claimed that women, children and persons with specific needs were amongst those ‘informally’ returned to Turkey.

¹¹ Article 7 of *Law 3907/2011* indicates that third country nationals apprehended for illegal entry, go through First Reception Procedures, which include screening, identification of special needs, provision of medical, psychosocial support and information. *Greece: Law No. 3907 of 2011 on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC “on common standards and procedures in Member States for returning illegally staying third country nationals” and other provisions.* [Greece], 26 January 2011, <http://www.refworld.org/docid/4da6ee7e2.html>.

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media: the “Praggi” case at the Evros region in November 2013¹² and the “Farmakonissi” case at the sea borders in January 2014.¹³ UNHCR also obtained testimonies with allegations of excessive use of force and physical and verbal abuse by law enforcement officers, as well as of the removal of valuable personal belongings from individuals when conducting these returns. During 2013 and in 2014, UNHCR received regular phone-calls from concerned individuals,¹⁴ who claimed to be in the Evros region or intercepted at sea and who expressed a fear of immediate forcible return to Turkey. UNHCR also witnessed cases of persons likely to be in need of international protection, mainly Syrians, who reached the gates of the First Reception Centre in Fylakio at Evros, not having yet been apprehended by police, asking to be registered as they feared that, if not registered, they could be summarily returned to Turkey.¹⁵

UNHCR has made several written interventions on the issue of these “push-backs”.¹⁶ So far only one response was received¹⁷ outlining that such practices do not occur. Official investigations are rarely initiated, and, to UNHCR’s knowledge, no case has resulted in holding any officials accountable.¹⁸

During October and November 2014, UNHCR continued receiving testimonies of alleged “push-backs” at both land and sea borders with Turkey.

¹² On 12 November 2013, UNHCR received information that a group of 150 persons, mostly Syrians, were in the custody of the Greek police in the region of Northern Evros, and feared being returned to Turkey. UNHCR contacted the local police authorities, seeking confirmation that appropriate procedures would be implemented. UNHCR also received information from local citizens, who confirmed the presence of a large number of persons (70-80) in the village of Praggi. However, when a UNHCR team visited Praggi several hours later, none of the members of the group could be traced. The police authorities claimed that no such group arrest was made on 12 November. When interviewing persons who were able to re-enter Greece later, all stated having been part of a group of 150 persons who had been arrested in Evros on 12 November, split into two groups, and summarily returned to Turkey on the same day. UNHCR demanded a thorough investigation of the incident (see also UNHCR Press Release, 13 November 2013, <http://bit.ly/1vOyZMS>).

¹³ On 20 January 2014, 11 persons out of a total of 27 (including women and children) perished at sea, near Farmakonissi island, during a Hellenic Coast Guard sea operation. The survivors of this incident claimed that their boat was towed towards the Turkish coast by the Hellenic Coast Guard after having been detected, and before sinking. UNHCR demanded a thorough investigation of the incident (See also UNHCR Press Release, 21 January 2014, <http://www.unhcr.org/52df83d49.html>).

¹⁴ From July 2013 to September 2014, more than 80 related calls were received by UNHCR.

¹⁵ During the time period 1 July to 30 September 2014, UNHCR recorded seven incidents involving 76 Syrians. Also following UNHCR’s interventions, the concerned individuals were formally registered by the police.

¹⁶ From 1 August 2013 to 30 September 2014, UNHCR made nine written interventions to the Ministries of Shipping, Maritime Affairs and the Aegean and of Public Order and Citizen Protection, referring to a total of 53 incidents at land and sea borders. In the context of these interventions, testimonies were grouped and common patterns described and highlighted, with the objective of highlighting a systemic practice and inviting the authorities to respond to these claims.

¹⁷ Letter by the Greek Police to UNHCR, Athens, 13 August 2013.

¹⁸ In the “Farmakonissi” case the Public Prosecutor did not bring any charges against Hellenic Coast Guard officers and discontinued further investigation in the preliminary phase. UNHCR is unaware whether in the “Praggi” case internal police disciplinary measures and penal procedures have been concluded or not.



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4. First reception and administrative treatment of asylum-seekers upon arrival

The “First Reception Service” (FRS) was established in 2011 as an important component of the Greek Action Plan.¹⁹ As stipulated in Law 3907/2011, the FRS operates under the supervision of the Minister of Public Order and Citizen Protection (MoPOCP). Composed of a Central Service and Regional Services (First Reception Centres - FRCs - and Mobile Units), the FRS’ objective is to process new arrivals, including through appropriate routing, assessment of needs, and the provision of assistance. FRS is therefore responsible for both establishing and running first reception centres. It is expected that the FRS’ first reception set-up will gradually replace the systematic use of detention as the default response when third country nationals arrive in an irregular manner in Greece.

Insufficient resources make the effective functioning of the FRS challenging. The FRS is significantly understaffed, mainly as regards its Regional Services, and many positions listed as required in the law are so far not filled.²⁰ Sufficient first reception facilities have not yet been created by the FRS;²¹ the FRS maintains at present only one facility in Fylakio-Orestiada, the land border with Turkey - where the influx has significantly been reduced since the end of 2012 - and two mobile units on the islands of Lesbos²² and Samos. These two islands received approximately 45 per cent of new arrivals in the first nine months of 2014. The FRS is not present on other islands, like Chios or the Dodecanese islands, where approximately 50 per cent of all new arrivals disembark.²³ In total, the FRS was able to register and screen 6,228 individuals during January - September 2014. This corresponds to only around 20 per cent of the total number of new arrivals in this period.

As a consequence of limited capacity to receive new arrivals, the majority do not benefit from reception services as foreseen by legislation. Instead, persons are detained in “identification centres”²⁴ or police stations. These premises are regularly overcrowded²⁵ and do not meet the required standards with no regular separation of women, children or single men when overcrowded. In the case of police stations, they were never designed to accommodate people for such purposes. Police stations do not provide persons detained there with an effective opportunity to register an asylum application or for their special needs to be properly identified and addressed. In order to ensure that appropriate first reception procedures are implemented as standard practice for the treatment of new arrivals in accordance with relevant legislative provisions, the FRS requires considerably more resources.

¹⁹ Greek Ministry of Public Order and Citizen Protection, *Revised Greek Action Plan on Asylum and Migration Management*, Executive Summary, December 2012, <http://goo.gl/STrm1>.

²⁰ The Central Service operates with 42 staff, the FRC in Fylakio with 10 public servants/11 Police Officers, the Mobile Units on Lesbos and Samos- each with one external employee and a roving staff from the Central Service. Further requirements are ten public servants for the Mobile Units, 19 for the FRC and six for the Central Service. The law foresees the creation of a total of 430 posts (P.D. 102/2012, O.G. A' 169/3.9.2012).

²¹ The Greek Action Plan foresaw the creation of eight FRCs of which three would be established in Karoti, Lesbos and Attica by October 2013. So far, only one FRC is operational.

²² The FRC in Lesbos (Moria region) has been established by Ministerial Decision (No 4.2/2624/15.5.2014, O.G.B'1373/29.5.2014) and its construction is completed. However due to lack of staff and on-going procurement procedures for various services, it is not yet operational.

²³ According to official police data, out of a total of 31,327 arrests at the Greek-Turkish border, 14,064 persons were arrested on Lesbos and Samos, and 15,434 on the Dodecanese islands and Chios.

²⁴ “Identification centres” is the official term used by the Greek authorities to describe the detention centres operating under Police competency at border entry points; in particular, these centres are those on the islands of Lesbos, Samos and Chios.

²⁵ For example approximately 900 persons were detained in the “identification centre” of Samos in August 2014 while the official capacity of this facility is 280.

Law and practice prior to first reception procedures

Under national law,²⁶ irregular entry into Greece is a penal offence. The Public Prosecutor has the option, within 48 hours from irregular entry, to press charges or to abstain from charges against the individual entering in an irregular manner. Normally the Public Prosecutor does not press charges against third country nationals for irregular entry; thus, following the Public Prosecutor's abstention, new arrivals should be immediately transferred to facilities where the first reception procedures take place. Should a prosecution actually take place, the person who entered in an irregular manner is referred to court.

The Public Prosecutor is either notified of an irregular arrival by the police when the crossing occurs at the land border, or by the Hellenic Coast Guard, when it occurs at sea. As irregular arrivals may remain under the custody of the Hellenic Coast Guard for hours or days while procedures are completed, it is essential for the Hellenic Coast Guard to make necessary arrangements for the accommodation of new arrivals during that time. In order to promote the implementation of minimum standards regarding the treatment of new arrivals, UNHCR and the Hellenic Coast Guard signed, on 5 September 2013, a Memorandum of Cooperation. The memorandum, in addition to clauses on mutual obligations and close cooperation for the reception of new arrivals, includes clauses for the effective observance of the principle of *non-refoulement* and the importance of protecting human life at sea during border surveillance operations.

In practice, when arriving at the Greek-Turkish land border in the Evros region, newcomers may spend up to seven days detained in police stations until they are transferred to the closed First Reception Centre in Fylakio,²⁷ where they remain under "restriction of liberty" until the completion of the first reception procedures. This restriction of liberty for the purposes of completing the first reception procedure should not last longer than 15 days, a period which can be extended exceptionally up to 25 days.²⁸ In practice, the Greek authorities have not exceeded the 25 day limit. New arrivals on Samos and Lesbos islands are administratively processed jointly by police and the FRS (Mobile Units)²⁹ within identification centres.

New arrivals elsewhere in Greece are managed solely by the police authorities. If the entry was irregular, they are kept under deportation and detention orders, either in police detention facilities or, if on Chios, in the local "identification centre". It is noted that the subsequent treatment and processing varies considerably and that the legal standards regarding reception of new arrivals are not implemented in a consistent manner.³⁰

²⁶ Art. 83 of Law 3386/2005 (O.G. ' 212/23.8.2005) as amended by Art. 121 of Law 4249/2014 (O.G.A' 73/24.3.2014).

²⁷ The First Reception Centre (FRC) in Fylakio, Evros region, is operational since March 2013. It has an official capacity of 240 persons, but due to staff shortages and for other reasons its actual operational capacity is of 140 to 180 persons.

²⁸ FRCs are "closed centres" where "restriction of liberty" is intended to facilitate first reception procedures which include identification procedures and verification of nationality. Third-country nationals may exit the FRC premises upon specific written authorization by the Director of the Centre. FRCs are detention facilities where all legal safeguards relevant in the context of deprivation of liberty are applicable. Decisions of "restriction of liberty" can be challenged before the courts, as provided by Art. 13 par. 4 of Law 3907/2011.

²⁹ The First Reception Mobile Units operate in the "identification centres" of Vathi (Samos) and Moria (Lesvos). The First Reception Centre in Lesbos (180 places) is not yet operational.

³⁰ For more information on access to the asylum procedure once the first reception process has been consulted, see section entitled " Access to the Asylum Procedure".

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Law and practice where first reception structures are operational (FRC Fylakio and the two mobile units on Lesbos and Samos)

Law 3907/2011 foresees that the first reception procedure includes identification and registration and medical and psychosocial screening. It also requires provision of information and identification of specific needs.³¹ Finally, the procedure foresees either referral to the Asylum Service or to the police who can initiate removal procedures. The procedure also foresees referral of persons with specific needs, including UASC, to appropriate structures or services.

Since March 2013, with EU funding, UNHCR provides information on the rights and obligations of arrivals and on the asylum procedure, through presence at all entry points, including those not covered by the FRS. METAction, UNHCR's implementing partner, delivers interpretation services.³² A Memorandum of Cooperation has been concluded between MoPOCP and UNHCR, on 5 July 2013, to this end. Medical services are provided by the NGOs 'MEDIN' at FRC Fylakio and the Mobile Unit on Samos, and 'Medecins Du Monde' at the Mobile Unit on Lesbos.

Despite resource constraints and delays in the disbursement of available funds by the Greek Government, the FRC in Fylakio is operational.³³ As noted above, the facility has to respond to significantly lower number of arrivals than anticipated, but still processes the majority of all official arrests/new arrivals at the Greek-Turkish land border.³⁴ The situation is more problematic on Lesbos and Samos islands where the number of new arrivals is higher and the FRS Mobile Units only have the capacity to register and screen a small number of arrivals. As they currently focus mainly on registering UASC, the majority of the new arrivals there are processed by the police.³⁵ As the police processing is quick, specific needs are not always properly identified. UNHCR is also aware of inconsistencies in the registration of nationality.³⁶

With regard to the identification and referral of UASC, a Ministerial Decision of October 2013 has clarified the age assessment procedure in the framework of FRS.³⁷ However, the FRS is still in the process of finalising standard operating procedures and tools to clarify implementation modalities of this Ministerial Decision. UNHCR has observed inconsistencies in the treatment of UASC cases by the various FRS regional structures. Similarly, there are disparities in the implementation of the procedure for the establishment of family links of children with persons claiming to be relatives. Another difficulty is insufficient cooperation of the Public Prosecutors, who are the temporary guardians of UASC and who, due in part to the lack of support social services, do not fully exercise their task as guardians.

Individuals with specific needs are only identified if they receive individualized counselling either by the medical, psycho-social or information provision teams on arrival. Such individual assessment is only available to a limited number of arrivals, leaving a potentially large number of individuals with their

³¹ According to Art. 11 of *Law 3907/2011* vulnerable groups are: Unaccompanied children; people with disabilities or suffering from incurable diseases, elderly persons; women in pregnancy or having recently given birth, single parents with children, victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation and victims of trafficking.

³² During the first nine months of 2014, UNHCR teams provided information to 25,278 persons (through 5,767 information sessions) focusing on rights and obligations, description of the first reception procedure, asylum, family reunification, detention and deportation, readmission, voluntary return, economic and social rights/integration, protection of children and vulnerable cases, including victims of SGBV, torture or trafficking.

³³ In 2013 and in October 2014, staff of the First Reception Service received appropriate training by EASO and FRONTEX to enhance their skills for establishing identity and nationality, as well as to identify "vulnerable persons" during the asylum procedure.

³⁴ According to official data of the FRS, during the first nine months of 2014, out of a total of 2,086 official arrests made in Evros and the surrounding regions, 1,898 persons went through the first reception procedures. Out of these, FRC referred 143 persons to the asylum authorities, 80 unaccompanied children to reception facilities, 70 persons to IOM's Assisted Voluntary Return Programme (AVR) and 988 persons to the police authorities. The average number of registrations was almost 10 per day.

³⁵ In the period 1 January - 30 September 2014, the FRS Mobile Unit on Lesbos screened 1,986 persons and the FRS Mobile Unit on Samos screened 2,344 persons. 8,338 persons were arrested on Lesbos and 5,726 persons on Samos.

³⁶ UNHCR has documented cases of Palestinians coming from Syria, who were either registered as Syrian nationals or as Palestinian nationals or as of unknown nationality or stateless.

³⁷ *Ministerial Decision No 92490/29.10.2013* (O.G. B' 2745/29.10.2013).



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specific needs undetected. This is a challenge in particular for the two Mobile Units on the islands, due to the high number of arrivals, the fast administrative processing by the police, and the detention environment, which make such screening difficult to carry-out promptly and effectively.

As a good practice not provided for in law, the FRC in Fylakio, when referring certain categories of newly arriving third country nationals to the police, recommends “non-return”. In particular, such a recommendation is made if the person has been identified as a Syrian national, or a person coming from Syria (UNHCR recognized refugees or Palestinian refugees formerly residing in Syria),³⁸ for families with children, vulnerable individuals, and persons who originate from a country for which UNHCR has issued a non-return advisor³⁹ or for which Greece has issued a non-return policy.⁴⁰ The FRS Mobile Units on the islands take a slightly different approach and issue such recommendations only for Syrian nationals. The police response to the FRS’ recommendations varies.

Practices in locations without FRS presence

Newcomers arriving in other parts of Greece, mainly Chios and the Dodecanese islands,⁴¹ are administratively dealt with solely by the police. The number of new arrivals in parts of the country where no FRS services are available represents approximately 50 per cent of the total arrivals. The police are unable to respond effectively to the arrivals in these areas,⁴² due to increasing numbers and lack of reception capacity. This situation creates serious humanitarian challenges, especially on the Dodecanese islands, where new arrivals are detained for any amount of time in police cells, port facilities or in other temporary locations. Newcomers could be detained for anytime ranging from several hours to several days, depending on the location and the police capacity. Furthermore, the authorities are often unable to provide sufficient food and other assistance.⁴³ Some limited supplementary assistance (mainly Non Food Items - NFIs) is provided by UNHCR. In practice, in order to release the pressure, the police hastily conduct first reception procedures and persons concerned are released without proper determination of nationality or assessment of medical or specific needs. After release, these persons are effectively left to look after themselves, without reception, support, or access to emergency shelter.⁴⁴

³⁸ According to FRS official data, 575 Syrians were referred to the police (58.2 per cent of all referrals) during the first nine months of 2014, while 800 have been referred from the Mobile Units of Samos and Lesbos to the police (27 per cent of all referrals).

³⁹ UNHCR has issued advisories which remain valid at present for Syria, Iraq, northern Mali, South Sudan, the Kivus and adjacent areas of the Democratic Republic of Congo, Central African Republic, Somalia (under certain conditions) and north-eastern Nigeria.

⁴⁰ In 2013 Greece assured the ECtHR that no forced returns take place to Syria, Somalia, the State of Palestine, Eritrea, Mauritania and Myanmar and that individuals from these countries are released after identification and registration: <http://goo.gl/eOtaYI>.

⁴¹ Rhodes, Kos, Tilos, Symi, Kalymnos, Leros, Nisyros, Kastelorizo, Patmos.

⁴² According to police data, 4,552 persons were arrested on Chios and 10,882 on the Dodecanese islands between 1 January and 30 September 2014.

⁴³ UNHCR, Press Release, 8 October 2014, <http://goo.gl/w0ZkoU>.

⁴⁴ For more details on second reception asylum procedures, see relevant section on page 19.



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Further administrative treatment (after completion of the first reception procedures)

(a) Asylum-seekers

If persons apply for asylum, they are referred to the competent Regional Asylum Office (RAO).⁴⁵ They remain detained at least until their application is registered, which may take up to several months.⁴⁶ With the exception of a small number of asylum-seekers who are registered as such by the competent RAO while hosted in FRC Fylakio, detention until registration of the asylum application is based on the already issued deportation and detention order, as the third country national who has expressed his/her wish to seek asylum is not officially considered an asylum-seeker until registration of the application; s/he is only protected against execution of the deportation order as there is a record of all those waiting to be registered. Asylum-seekers who have gone through the first reception procedures are subject to the same procedures as other administrative detainees in pre-removal detention.

(b) Unaccompanied and separated children and persons with specific needs

Identified UASC are normally transferred to reception facilities for children. UNHCR is aware of cases of newly arriving children who were not identified as UASC and who were consequently detained like adults for several months. UNHCR is also aware of children who were mistakenly considered adults, released from detention and not referred to proper care, and of other children who were released from detention and accompanied by adult(s) without prior assessment of a family link. In all such instances, the children were obviously not adults. UNHCR is also aware of cases of UASC who remained in sub-standard detention facilities for up to three months pending their transfer to appropriate reception facilities. This was due either to limited capacity in reception facilities for children or to inability to undertake the transfer in a timely manner. NGO programmes have tried to cover the gap in transfers, however funding for these activities is limited and non-sustainable.

The identification of persons with other specific needs and their referral by FRS or the police has proved to be even more challenging. As a consequence, individuals who require special attention generally do not receive much needed services and support. In particular, those who do not apply for asylum, and are consequently under a deportation order might be excluded from appropriate assistance and from protection. The general practice is that “vulnerable” individuals (in accordance with the list of vulnerable groups contained in Law 3907/2011) and families with children, are released from detention. UNHCR has however observed that individuals with other vulnerabilities which are not included in the list, such as those with medical and mental health needs, are not released or their vulnerability may be underestimated in relation to the decision whether detention is reasonable or not.⁴⁷

(c) Other categories

Once first reception procedures, or registration by the police where first reception structures are not present, have been completed, all persons except registered asylum-seekers are served with a “deportation” decision under Law 3386/2005 even if they are subsequently released.⁴⁸

⁴⁵ According to FRS official data, between 1 January and 30 September 2014, out of 6,228 registered persons, the FRS referred 174 persons to the Asylum Service. The FRC in Fylakio, referred 143 out of 1,898 registered persons who expressed willingness to apply for asylum, the Mobile Unit on Lesbos referred 29 out of 1,986 registered persons, while the FRS Mobile Unit on Samos referred 2 out of 2,344 FRS registered persons.

⁴⁶ For analysis on the processing times see below Chapter on Access to the Asylum Procedures.

⁴⁷ UNHCR has recorded a case of a woman from Iran who had applied for asylum in the FRC and has been detained for over 9 months in Fylakio Pre-removal Centre, despite assessments by the medical team documenting her problematic psychological condition.

⁴⁸ Greece has opted to exclude any person arrested for irregular entry at the borders from the scope of the *Law 3907/2011*. UNHCR has expressed its concerns because the legislation for deportation applied to newly arriving individuals has fewer safeguards than the legislation transposing the Returns Directive, in particular, it has no provision for mandatory legal aid.

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Since April 2013, Syrians have been released following the issuance of an order suspending their deportation for six months, once their nationality has been verified.⁴⁹ The same applies to Palestinians coming from Syria and families with children, depending on their place of arrival. Persons who originate from countries to which Greece does not return are normally detained for a time ranging from a few days to a few months,⁵⁰ before being released.

In the Evros region, where the pre-removal centre is adjacent to the FRC, transfers to pre-removal detention are immediate, so irregular arrivals not belonging to the aforementioned categories are transferred directly to the pre-removal detention facilities. This is not the case on the islands where these irregular arrivals are released due to the limited detention capacity at these locations.

Considering Greece's proximity to a region with large forced population movements, the country lacks a contingency plan for each potential entry point which would be necessary in order to ensure adequate response to the increasing influx.



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⁴⁹ The verification of the nationality is done in accordance with the Internal Police Order, *Prot. No. 71778/13/511278* of 9.4.2013.

⁵⁰ UNHCR is aware of cases that had been detained for up to three months.



5. Access to the asylum procedures

Access to the asylum procedure and the quality of the procedure were considered to be amongst the main shortcomings of the Greek asylum system before its reform. In its *M.S.S. v. Greece and Belgium* judgment, the European Court of Human Rights (ECtHR) observed that non-respect of asylum-seekers' rights, including full and effective access to the asylum procedure, violated European human rights standards. This aspect has therefore been a major focus of Greece's reform measures and the Greek Action Plan.

It should be noted that the following description on access to the asylum procedure does not address the fact that a considerable number of persons who in UNHCR's view need international protection (e.g. Syrians) do not wish to apply for asylum in Greece,⁵¹ and move on to other European countries.

The task of registering and assessing applications for international protection now lies with the newly created Asylum Service, which started operating on 7 June 2013. The Asylum Service comprises the Central Asylum Service, which supervises, monitors and supports the registration and processing of applications for international protection by the five Regional Asylum Offices (RAOs) and four Mobile Units around Greece. Law 3907/2011 provides for six more RAOs which are not yet established. Each RAO was created by Ministerial Decision which also determines its territorial jurisdiction. The RAO of Attica, in Athens, has territorial jurisdiction for all locations in Greece that are not under the jurisdiction of other RAOs, so applications for international protection may be registered in Athens from all over the country. By September 2014, the Asylum Service had 182 staff members, an understaffing of 25 per cent as the law foresees a total of 241 posts.

Access to the asylum procedure for new arrivals

Newly arrived individuals seeking international protection can register with either:

- The RAO of Northern Evros, having been referred by the First Reception Centre (FRC) in Fylakio (Evros),
- The RAO of Southern Evros (Alexandroupoli),
- The RAO of Lesbos, following referral by the First Reception Mobile Unit or police on the island of Lesbos,
- The RAO of Rhodes, following referral by Police on the Dodecanese islands, or
- The RAO of Attica.

While there have been 31,327 arrests during the first nine months in 2014 at the Greek-Turkish sea and land-borders, the three RAOs covering these areas have registered only 758 asylum applications from 1 January - 30 September 2014. This number is low, taking into consideration that Greece represents one of the main entry points to the European Union, and that newly arriving individuals have been provided systematically with information on their rights. Although the law foresees the possibility for applications for international protection to be made to the Hellenic Coast Guard, to UNHCR's knowledge, no such applications have ever been made.

⁵¹ The trend is documented by statements received by UNHCR from newly arriving individuals who declare that they do not wish to apply for asylum in Greece as their aim is to move on elsewhere in Europe.

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Evros Region

New arrivals at the land border with Turkey wishing to seek international protection are referred by the First Reception Centre (FRC) in Fylakio (Evros) to the RAO of Northern Evros. However, the formal registration of their application often happens after they have been transferred from the FRC to the adjacent pre-removal centre.⁵²

North-Eastern Aegean Sea

New arrivals at the islands of the North-Eastern Aegean Sea are referred by the First Reception Mobile Unit or police on the island of Lesbos to the RAO of Lesbos which operates within the “identification centre” run by the police. This RAO also covers Chios through teleconferencing, however, so far only four applications for international protection were filed in 2014 from there.

Lesbos RAO does not deal with applications for international protection lodged in Samos. Those who apply for international protection in Samos are transferred as detainees to Athens for the registration of their application. As the process encounters practical difficulties and transfer entails delays, practically no applications for international protection were submitted in Samos, even though Samos has received a significant number of arrivals in 2014.

South-Eastern Aegean Sea

New arrivals at the islands of the South-Eastern Aegean Sea, who want to seek international protection can do so with the police, after which they are transferred to the island of Rhodes and remain in detention at least until the Asylum Service issues a recommendation on whether the detention period should be extended or the person should be released. In practice, the number of applications by new arrivals registered by the RAO of Rhodes is very low.⁵³ As the large majority of new arrivals in the Dodecanese islands in 2014 were Syrians (91.5 per cent), they were released with an order for a 6-month suspension of deportation. Other nationalities did not receive such a suspension of deportation but instead received a 7 to 30 day notice to leave the country.

Another factor contributing to the low number of applications for international protection in these areas is the fact that many individuals prefer to present themselves to the RAO in Athens instead. This concerns mainly persons who, as per current practices, are released from detention in the border regions, because they originate from countries to which no returns take place, like Syria, Somalia and Eritrea, or because they are families or otherwise considered vulnerable.

Resource constraints leading to delays and, thus, to prolonged detention periods, also discourage asylum-seekers from applying in these areas of Greece. UNHCR counted only eight registration officers posted by the Asylum Service along the border. With the exception of the FRC in Fylakio, conditions for receiving asylum-seekers at “identification centres” or police stations in border areas are either inadequate or substandard, particularly when there is significant overcrowding. These conditions make it difficult for a person who may wish to seek international protection to effectively express his or her desire to do so.

⁵² The maximum time that persons are allowed to stay in FRC centres is 25 days. However, many are not able to have their application registered in that timeframe.

⁵³ Only 310 by 31 August 2014. The number of asylum applications at all three RAOs included also applications by asylum-seekers who were not new arrivals, but already present in the country, approximately 3 per cent of those registered by RAO Rhodes for example.



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Access to the asylum procedure for persons who are not detained

Asylum-seekers who are released from detention or who were never arrested can file their applications at the RAOs of Attica, Rhodes, Southern Evros (Alexandroupoli), or Lesbos. Whereas the RAOs of Rhodes, Southern Evros and Lesbos are able to register almost all applications, registration at the RAO of Attica is more problematic. During the first eight months of 2014, the RAO in Athens was responsible for 68 per cent of all registrations of applications for international protection within Greece. This high number led to significant challenges when individuals wished to present their claim. The Asylum Service estimated that, on average, 200 to 250 people queue every day at the RAO of Attica with the intention of registering an application for international protection. The RAO of Attica does not have the capacity to register such numbers.

The RAO of Attica currently has the capacity to register around 150 applications for international protection per week, processing both applications of non-detained asylum-seekers and of those who are in pre-removal detention or in custody in correctional facilities. The RAO of Attica has introduced a schedule in accordance with availability of interpreters and has introduced priority lines for individuals with specific needs and UASC, within their daily processing capacity. As a consequence, many persons who wish to lodge an application are unable to have their application registered within a given day. Refugee communities report that there were cases of asylum-seekers who presented themselves up to 30 times before they managed to register their asylum application.

As persons approaching the RAO of Attica are also coming from other locations outside Athens, the creation of more RAOs, as foreseen by Law 3907/2011, would alleviate this pressure to some extent. A particular gap is that the RAO in Greece's second largest city, Thessaloniki, is still not operational. To address these challenges, the Asylum Service implemented a pilot service in August 2014 in an effort to improve access to the RAO of Attica. Once a week, persons wanting to apply for international protection can now schedule registration appointments through Skype. From October 2014, as a result of this pilot project, asylum-seekers could communicate in English, French, and Arabic with additional languages (Dari, Farsi) to be added. By 17 October 2014, 215 appointments had been scheduled through this online project.

Measures to improve access of Syrians to the asylum procedure were also taken by the Asylum Service. Taking into consideration that the protection rate of Syrians was 99.5 per cent up until August 2014, in September the Asylum Service started implementing a fast-track procedure for the registration and same day decision-making of applications lodged by Syrians. However, the capacity of this fast-track procedure, as of mid-November 2014, was limited, allowing for only 12 applications to be processed per week.

Notwithstanding the measures taken to improve access to the procedure, it remains a serious challenge to register an application for international protection in Greece. This is particularly the case given that the processing capacity of the Asylum Service has not reached the level stipulated by law. Persons seeking international protection might remain for considerable time in a situation of not having succeeded in registering their claim, although this could improve should the current capacity of the Asylum Service be enhanced. Consequently, they are at risk of being arrested and removed which may lead to *refoulement*.



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Access to the asylum procedures for persons in pre-removal detention conditions

Given the significant challenges in accessing the asylum system, many persons potentially in need of international protection are unable to lodge a claim for international protection before they are placed in pre-removal detention. By August 2014, the Asylum Service had registered 1,781 applications for international protection by asylum-seekers in pre-removal detention;⁵⁴ 1,709 by men and 72 by women. This included 55 UASC who were detained. Of the 899 cases examined in substance at first instance, 20.2 per cent were granted refugee status and 13.1 per cent subsidiary protection.⁵⁵ Of those who appealed (468 cases), 240 cases have so far been examined, and 19.6 per cent of these appeals were granted refugee status and 6.3 per cent subsidiary protection. These figures illustrate that a significant number of persons in pre-removal proceedings are in need of international protection.

The Asylum Service has increased its capacity to register and examine applications for international protection of asylum-seekers who are in pre-removal detention. At least 31 per cent of the staff of the Asylum Service registering, examining and deciding on applications for international protection is dedicated to processing asylum applications by individuals in pre-removal detention. Despite this investment in human resources, there is a registration backlog affecting applications of persons held in pre-removal detention having expressed their wish to lodge an application.⁵⁶ Generally, the police tends to notify the competent RAO that an individual wishes to seek international protection promptly. According to official data, asylum-seekers in pre-removal detention wait on average up to four months for the registration of their application for international protection, while UNHCR has documented cases of asylum-seekers remaining in detention up to eight months before being given an opportunity to register their application. Although the wish to seek international protection is in principle recorded, prolonged periods of detention resulting from registration backlogs are an issue of serious concern.

As a concluding remark on access to the asylum procedure in Greece, UNHCR is concerned about the continuous ineffectiveness of the system to ensure access to all persons claiming to be in need of international protection. As a consequence, a considerable number of those who want to seek asylum, but who are unable to register in a timely manner or at all, may be at risk of removal and, potentially, refoulement.

⁵⁴ According to data collected during UNHCR's monitoring visits at the pre-removal centres, the top six nationalities who registered an asylum application while under detention for pre-removal purposes were originating from Pakistan, Afghanistan, Bangladesh, Iran, Algeria and Georgia.

⁵⁵ The top five nationalities are Somalia, Syria, Eritrea, Sudan, and Afghanistan.

⁵⁶ As of October 2014, and according to data of the Hellenic Police, there were approximately 2,000 asylum-seekers in pre-removal detention conditions, waiting for their applications to be registered.



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6. Second-line reception of asylum-seekers

Reception conditions for asylum-seekers in Greece were identified as a major shortcoming in the Greek asylum procedure. No significant progress has been achieved to date. Reception arrangements in the country can be summarised as insufficient and, if provided, considerably below the standards set out by EU and national law.

Reception for asylum-seekers and UASC is regulated by national legislation, including legislation aiming to ensure compliance with relevant EU instruments. Greece has not yet transposed the (recast) RCD.⁵⁷ P.D. 220/2007⁵⁸ transposed the previous RCD, regulating the content and obligations for the reception of asylum-seekers in Greece. The Directorate of Social Solidarity, within the Ministry of Labour, oversees existing reception centres and is the entity also designated to develop policies on benefits for asylum-seekers.⁵⁹ However, the First Reception Service, under the supervision of the MoPOCP, has also been assigned the competency to establish (second-line) reception centres for asylum-seekers, UASC and individuals with specific needs.⁶⁰

Accommodation

Accommodation is a key component of any reception system. This is of particular importance in Greece in the absence of mainstream welfare services and allowances granted by the State.⁶¹ Related services are mainly provided in accommodation centres or apartments.

As of 20 October 2014, the number of places in reception centres and apartments was 1,063, comprising 320 places for UASC and 743 for adults and families. The Greek Government had committed⁶² to increase the number of reception places by 1,500 places to reach a total of 2,500 places by the end of 2014. This target was not reached.

The existing reception places are funded by the Emergency Refugee Fund (ERF) of the European Commission (43 per cent), by European Economic Area (EEA) Grants (24 per cent), and by the State budget (33 per cent).⁶³ Extensive day-to-day expertise in the field of EU funding has been provided by EASO in support of the responsible authorities. Project-based funding modalities, a yearly programme cycle (as regards to ERF funding), as well as programmatic deficiencies in the management of the funds by the Greek administration, have resulted in interruptions of services and even closures of centres in the past. The ERF funding for 416 places will end in February 2015 and the implementation of a follow-project by the Asylum Migration and Integration Fund (AMIF) has not yet started.

⁵⁷ Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, Official Gazette A 251/13.11.2007 L 180/96, <http://www.refworld.org/docid/51d29db54.html>

⁵⁸ Presidential Decree (P.D.) 220/2007 on the transposition into the Greek legislation of Council Directive 2003/9/EC of January 27, 2003 laying down minimum standards for the reception of asylum seekers, Official Gazette A 251/13.11.2007 <http://www.refworld.org/docid/49676abb2.html>

⁵⁹ Law 4075/2012, art. 56, par. 10, Official Gazette A89/11.04.2012.

⁶⁰ Art. 121, par. 4, of Law 4249/2014, Official Gazette, A'73/24.3.2014.

⁶¹ Although there is a legal obligation for this, see P.D. 220/2007, Art. 1, par. (p) and Art. 12, par. 5.

⁶² Following the bilateral meeting of the Greek Minister of POCP and EC Commissioner for Home Affairs in December 2013, the commitment for an increase in accommodation places was made by the Greek authorities, see EC Staff Working Document, *ibid* 4.

⁶³ A reception facility run by the Hellenic Red Cross in Lavrio has been funded by the State budget since 1999, while two reception facilities run by the Foundation for Youth and Lifelong Learning required self-funding from June 2014 to December 2014.



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The National Centre for Social Solidarity (EKKA), responsible for referrals to reception facilities since July 2011,⁶⁴ reports an increase in the number of requests for accommodation.⁶⁵ EKKA also reports that it has been able to meet an increasing number of these requests⁶⁶ without, however, having increased the reception capacity in the country over the last years.⁶⁷ This is explained by increasing mobility and the consequent freeing-up of places, due to departure from accommodation, and by the relatively high no-show rate after a place in a reception facility has been identified.⁶⁸ It is important to note that waiting periods before reception places are identified are sometimes so long that they raise the question to what extent requests for accommodation were really met.⁶⁹

Many asylum-seekers do not request accommodation⁷⁰ either because they know that places in reception facilities are scarce, particularly in Athens, or because of the quality of the premises which include situations where up to 18 persons are lodged in one room.⁷¹ Consequently they seek alternatives. Asylum-seekers with specific needs, such as physical disabilities, chronic medical conditions, or mental health problems, may end up without any form of accommodation, as there are no facilities with specialized services, except for one small facility in Athens with 12 places for persons with serious mental health problems.

The gap between demand and available appropriate accommodation continues to negatively affect the well-being of concerned individuals. Despite the Greek Action Plan, no strategic plan has been developed by the Greek authorities to map the needs, or to outline systematic responses in the form of design, development and implementation of a strategy and policies with regard to reception.⁷² Insufficient supervision and coordination of the various actors exacerbate the problems. As a consequence of these inadequacies, reception is organised in an *ad hoc* manner with interventions and attempts to find solutions that do not address the serious shortcomings in the system.

The accommodation system, together with the lack of employment opportunities, frequently leads to destitution and homelessness of asylum-seekers and persons in need of international protection. Institutions providing services to homeless persons report significant numbers of homeless asylum-seekers and of individuals who have not submitted applications for international protection.⁷³ The majority of homeless asylum-seekers are single men, for whom available bed spaces are very limited, as well as persons with mental health problems. Many homeless asylum-seekers have told UNHCR

⁶⁴ EKKA's competency for referrals was introduced by *Ministerial Decision No 93510/28.07.2011*, Official Gazette B 2016/09.09.2011. All statistical data on reception is provided by EKKA.

⁶⁵ 2,264 requests for accommodation in 2012, 3,220 in 2013, and 2,935 by 30 September 2014.

⁶⁶ In 2014 more than 95 per cent of requests for accommodation from UASC, from single parents and from families have been met, while for single adults, the rate of meeting requests is almost 34 per cent.

⁶⁷ From 2012 until October 2014 the reception capacity ranged from 900 to around 1,000 bed spaces, depending on interruption of services or closure of projects due to funding delays.

⁶⁸ No-show and non-use by asylum-seekers of identified places is related to very lengthy waiting times from the initial lodging of request for accommodation until the final placement. In 2014, the no-show rate for UASC was almost 19 per cent, for families 72 per cent, for single-parent families 60 per cent, and for single adults 52 per cent. The main reasons for the high no-show rates are (a) inability to communicate the place due to change/lack of contact details, (b) secondary movement towards other countries, (c) finalization of family reunification procedures under Dublin III and consequent transfer to other EU countries, (d) finalization of the asylum procedures, (e) refusal by asylum-seekers to be accommodated in collective housing due to overcrowding, and (f) refusal by asylum-seekers to be transferred to an accommodation facility in a remote area.

⁶⁹ The average waiting period to receive accommodation in 2013 was more than 7 months for nuclear families, more than 6 months for adults without their family members, and more than 5.5 months for single-parent families. According to EKKA data, as of 7 November 2014, 381 unaccompanied children, the majority in detention, are waiting for a place, some having already been in detention for 1.5 months.

⁷⁰ According to data provided to UNHCR by a Day Centre for homeless run by the NGO PRAKSIS in Athens, out of the 350 registered asylum-seekers using the services of the centre, only 18 had applied for accommodation.

⁷¹ Data collected through personal interviews and focus group discussions with asylum-seekers who were either homeless at the time of the interview or had experienced lengthy periods of homelessness, as well as interviews conducted with social workers employed in social services of PRAKSIS, the Greek Council for Refugees and Medecins du Monde. Interviews and focus group discussions were conducted by UNHCR in September and October 2014.

⁷² The adoption of a coherent strategy is impeded by the involvement of many different bodies with responsibility for reception. This affects the comprehensiveness and the quality of services, renders difficult the development of common tools (like SOPs for all reception facilities), and reduces accountability, monitoring and supervision capacity.

⁷³ Reports were received from the night shelter run by Medecins du Monde in Athens; the night shelter run by the Municipality of Thessaloniki and by the Solidarity Centre of Thessaloniki; the Day Centre run by PRAKSIS in Athens; and the Day Centre run by PRAKSIS reported that they registered 350 homeless asylum-seekers.



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that they are sleeping rough on streets or in parks; others live in abandoned buildings or in squalid and overcrowded apartments with limited or no access to sanitary facilities, sometimes without electricity or even access to running water. Interviews revealed that food is obtained from soup kitchens or from rubbish bins. Some mentioned having informal jobs like selling clothes collected from rubbish bins, or hourly manual labour. UNHCR received reports of ill-treatment by the police and deterioration of health as a result of homelessness. Homeless asylum-seekers are extremely vulnerable and at risk of racist attacks.⁷⁴

Access to the labour market for asylum-seekers

By law, asylum-seekers in Greece have the right to work immediately after they are issued an “asylum-seeker card”.⁷⁵ Art. 4 of P.D. 189/1998 (O.G. 140/25.06.1998) provides that a work permit may be granted to an asylum-seeker “upon completion of a research of the labour market for the requested profession and only in case there is no specific interest expressed by a Greek national, an EU citizen, a third country national of Greek origin or a recognised refugee”. This requirement and the unemployment rate of 33 per cent⁷⁶ for third-country nationals in Greece limits legal working opportunities. In 2013, the regional authorities issued and renewed 6,952 work permits for asylum-seekers and rejected 1,620 requests⁷⁷ while, in the same period, there were more than 33,000 active cases of applications for international protection pending with the police and the new Asylum Service.⁷⁸ Without a valid work permit asylum-seekers are deprived of the enjoyment of a series of rights, including the possibility to participate in EU-funded programmes for access to the labour market, access to social benefits, such as unemployment allowances, allowances for children in single-parent families, enrolment of children in nursery schools and other rights.

Provision of health services

As regards access to health services, asylum-seekers who are uninsured and destitute have in principle free access to hospitals and medical care.⁷⁹ In addition to the negative repercussions of the financial crisis on the health sector in Greece,⁸⁰ asylum-seekers who ask for access to health services require, in some cases, prior approval by a Committee.⁸¹ In practice, this has led to significant administrative barriers, including more stringent procedures to undergo surgery and to access medical devices and sanitary material,⁸² and refusal or restriction of the provision of health services by the public hospitals to asylum-seekers.⁸³ Asylum-seekers with disabilities receive a basic allowance in case they are not provided with reception accommodation,⁸⁴ however the allowance is lower than for Greek nationals with similar disabilities.

⁷⁴ See section on racism and xenophobia.

⁷⁵ Art. 10, par. 1, of P.D. 220/2007.

⁷⁶ Press Release of the Hellenic Statistical Authority for the 2nd trimester of 2014, available in Greek at: <http://goo.gl/8GNkbN>

⁷⁷ Official statistical data by the Regions/Ministry of Labour, compiled by 8 out of the 13 regions in the country, including the regions of Attica and of Central Macedonia, where most asylum-seekers reside.

⁷⁸ In the beginning of 2013, the MoPOCP identified almost 25,000 active cases pending at the appeal stage of the “old system”, and at the end of 2013 there were almost 6,000 pending at the first instance of the “old system” and 2,571 asylum applications pending with the new Asylum Service.

⁷⁹ Art. 14 of P.D. 220/2007.

⁸⁰ Decrease in relevant expenditure have led to a reduction of benefits and public healthcare services, cuts in prevention programmes and increase in charges for medication (see Medecins du Monde Report, *Access to healthcare for the most vulnerable in a Europe in social crisis*, May 2014, pages 33-34) <http://goo.gl/V4Verc>

⁸¹ Joint Ministerial Decision No Y4a/ .oik.48985/03.06.2014, Official Gazette, B' 1465/05.06.2014, and Circular of the Ministry of Health No. Y4a/oik.70456/25.07.2013.

⁸² Circular of the Ministry of Health (Ref. No. Y4a / .(). 70456/25.07.2013).

⁸³ Greek Ombudsman's letter to the Ministry of Health, Pr. No. 172464/41280/16.10.2013, inviting the Greek authorities to ensure full free access of asylum seekers to public health care and hospitals, notified to UNHCR.

⁸⁴ Art. 12, par. 2, of P.D. 220/2007.



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Impediments to access specific services

In general, asylum-seekers encounter a series of problems in their contact with the administration as in many situations either the “asylum-seeker card” is not recognised as proof for their legal residence in the country,⁸⁵ or they are unable to provide documentation to prove their civil status, thus, for example, they cannot marry in Greece. Finally, they do not receive any special support and face great difficulties fulfilling their fiscal obligations,⁸⁶ an issue that affects their enjoyment of social rights, such as access to welfare and unemployment allowances.

Persons from Syria and other persons in need of international protection who do not apply for international protection in Greece

A considerable number of individuals, especially Syrians, do not apply for asylum in Greece and are therefore not included in the scope of current legislation and do not enjoy the corresponding rights. They may benefit from an order for a 6-month suspension of deportation or postponement of removal.⁸⁷ In cases of postponement of removal, legislation foresees that state authorities provide accommodation to those in receipt of such an order, unless they have access to the labour market. Currently, accommodation is not provided, nor do those persons have access to the right to work and to health services. While the law envisages their entitlement to these rights, the necessary regulatory acts,⁸⁸ have not been issued yet. Furthermore, there is no granting of the above rights to individuals who have been issued with a suspension of deportation order, except limited rights for individuals with specific needs. Individuals concerned have no legal status and are not eligible for any provision of services.

Reception of unaccompanied and separated children (UASC)

Significant numbers of UASC, particularly young Afghans, arrive in Greece.⁸⁹ This trend started seven years ago and continues unabated.⁹⁰ In case relatives or other next-of-kin are not identified as caregivers, UASC are registered, referred to the Public Prosecutor and placed in existing reception facilities around Greece. For a variety of reasons, including the type and quality of accommodation provided, the negative perception of the protection situation in Greece, and predetermined views as regards preferred final destination countries, the majority of children abscond.

⁸⁵ For instance, the “asylum-seeker card” does not give access to the issuance of a driving license (Circular No A3/ oik.576/91/31.12.2012 of the Gen. Secretariat of Transport, Ministry of Development), nor can it be used for bank transactions.

⁸⁶ For example, when asked to submit tax-declarations in the on-line system of the Ministry of Finance that is mandatory for all persons currently residing in the country.

⁸⁷ According to Art. 78 of *Law 3386/2005* (O.G. A 212/23.08.2005) or Art. 24 of *Law 3907/2011* (O.G. A 7/26.01.2011).

⁸⁸ Art.37, par. 5, of *Law 3907/2011*.

⁸⁹ By 30 September 2014, the National Centre for Social Solidarity received referrals for 1,664 UASC, of whom 984 children were from Afghanistan.

⁹⁰ Peak in numbers of UASC was noted in 2008 where 8,298 UASC were identified. The data provided by Greek Police, including UASC arrested for illegal entry or stay.



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The rate of absconding from children's reception facilities continues to be worryingly high⁹¹ and underlines that the protection of UASC remains inadequate. Currently, no central authority has been assigned the overall authority for measures and policies related to the protection of UASC. Different issues pertaining to the protection of UASC are dealt with by different Ministries,⁹² which have so far not established sufficiently strong coordination mechanisms. As a consequence of the 'lack of ownership' a coherent plan to strengthen the protection for UASC has so far not been developed. No steps have been taken to mainstream services for UASC into the national child-protection system and no Best Interest Assessment (BIA) and Best Interest Determination (BID) procedures have been established.

In 2013, some progress was noted as regards the institutional framework, with the adoption of legislation standardizing procedures related to age assessment, resulting in improving initial identification procedures for UASC. In parallel, the competent Ministry of Justice established a working group for the review of the guardianship system for UASC. This group, engaging national authorities and human rights bodies, has been identifying existing gaps and looking at guardianship schemes elsewhere in Europe with a view to proposing improvements for Greece. However, pending the outcomes of this study, the guardianship system remains highly insufficient.⁹³

Children have access to education under similar conditions as Greek nationals irrespective of their status.⁹⁴ However, lack of introductory language classes or other targeted support services undermine the effective enjoyment of this right. Furthermore, the right to education is impaired by the refusal or severe delays in school enrolment due to a requirement for documentation (i.e. birth certificates) which asylum-seekers cannot necessarily meet.⁹⁵

In terms of durable solutions, the absence of formalised BIA and BID procedures⁹⁶ renders children vulnerable and susceptible to irregular onward movement. For children who remain in Greece, they face the same socio-economic integration challenges as adults, but are often at higher risk of labour and sexual exploitation.⁹⁷ Cases of children who return home (through IOM assisted programmes) are extremely limited, either due to challenges of tracing next-of-kin or in the absence of sustainable support mechanisms in the country of origin.

⁹¹ In 2013, 1,150 children were referred to EKKA for a total of 400 bed spaces available; 99 per cent of those referrals were addressed, as spaces were continuously filled and made available again. According to EKKA's data, in 2013, 20.3 per cent of UASC absconded within the first 24 hours of their placement, another 30.5 per cent left the reception centres within the first 10 days of their placement, and 38.6 per cent left one month after they have entered the reception centre.

⁹² Ministry of Labour (Department of Social Solidarity) has competence over reception/accommodation of children; Ministry of Justice over guardianship issues; Ministry of Education over access to education; and the Ministry of Health over health and welfare issues.

⁹³ By relevant provisions of the legislation related to the reception of asylum seekers and UASC (*P.D. 220/2007*) the territorially competent First Instance Public Prosecutor acts as temporary guardian for each unaccompanied child identified until a permanent guardian is assigned by relevant court decision; these specific provisions are complemented by the Greek Civil Code regulating guardianship in general, and not only for foreign unaccompanied children. In practice the Public Prosecutors handle hundreds of case-files at any given time without having specialized support units or staff. Consequently, real and effective contact with the child is rarely established. As per the official response of the Ministry of Justice to the Parliament (Ref. No 265/15 April 2013), 956 cases of UASC came to the attention of the Public Prosecutors in 2012.

⁹⁴ Art. 9 of *P.D. 220/2007* for asylum seeking UASC, Art. 28 of P.D. 141/2013 for UASC granted status; moreover, provisions of art. 21 para 7 and 8 of *Migration Law 4251/2014* provides that foreign children have access to education and may be enrolled in schools even with insufficient documentation.

⁹⁵ Relevant concerns were included in Greek Ombudsman letter to the Ministry of Education, *Prot. No 166231/300002/2013*, dated 23.07.2013 shared with UNHCR and also reported by NGOs.

⁹⁶ Greece is lacking a national best-interests assessment and determination procedure in order to guide public and private institutions and authorities in their actions affecting foreign unaccompanied children. It is within the discretion of Public Prosecutors acting as temporary guardians to request an assessment of an individual case in order to determine the best interests of UASC. The contents of and procedures for the assessment are not determined by law or policy and depend on the guidelines adopted by the body undertaking the assessment.

⁹⁷ NGOs in Athens report cases of UASC becoming victims of sexual exploitation.



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7. Quality of the asylum procedure

The principal aim of the new asylum system in Greece was to ensure fairness and effectiveness. New services and procedural rules were created to underpin this objective to improve the quality of the process. As noted before, the new Asylum Service commenced its operation in June 2013. However, the “old system” carries a significant backlog of undecided cases at the appeal stage which were not handed over to the new Appeals Authority in June 2013 but were maintained by the ‘old’ Appeals Committees. Hence, to improve the quality of both examination procedures was a target of the reform of the asylum system.

Although quality has been significantly enhanced as regards both procedures, two significant challenges remain. Firstly, the quality of the decisions in the backlog procedure, which will determine the degree to which subsequent applications ‘recycle’ into the new asylum system, and secondly, the need for further financial and operational support to ensure sustainability and to respond to the increasing number of asylum-seekers.

Greece has not yet transposed the (recast) APD. However, P.D. 113/2013, adopted in June 2013,⁹⁸ has incorporated a number of new provisions which were based on the draft text of the (recast) APD. Nearly identical provisions, in the same legislative text, have been adopted for the “old procedures” through the amendment of P.D. 114/2010. Both decrees entail some positive developments, implementing EU law as well as recommendations made by UNHCR, notably to merge the process for determining refugee and subsidiary protection status into a single procedure and the limitations on the possibility to qualify an application as manifestly unfounded, which is now allowed only for reasons related to the substance of the claim and no longer due to procedural failures. Not yet transposed into Greek law is the requirement of the (recast) APD to provide legal information and legal aid to asylum-seekers, as well as clarification on the status of asylum-seekers between the “making” and the “lodging” of an application.

Old asylum procedure and “backlog”

With regard to the ‘old asylum procedure’, police statistics indicate only 20 cases pending at first instance as of 30 September 2014. The “old system” also includes residence permit renewals for those persons granted subsidiary protection and national humanitarian status,⁹⁹ as well as some potential cases that will be returned for review to the Minister of Public Order and Citizens’ Protection (MoPOCP) and the police if courts annul the earlier administrative decisions.

A considerable concern is the backlog of 37,482 undecided appeal cases as at 30 September 2014 which were decided in first instance under the old system.¹⁰⁰ This backlog includes cases that have been pending examination for considerable time, some for more than seven years. Since 2010 and, more intensively, since the end of 2012, the MoPOCP has enhanced the backlog clearance operation by updating electronic and physical files, appointing a coordinator and creating 20 Appeals Committees. UNHCR has supported this effort, including through financial resources received from EASO and the European Refugee Fund (ERF). The significance of the backlog lies in the fact that, due to the serious deficiencies in the previous police-run first instance procedure, examination at the appeal stage represents, for the majority of applicants, the only opportunity to have their claims fairly assessed.

⁹⁸ Presidential Decree No. 113/2013 Establishment of a single procedure for granting the status of refugee or of subsidiary protection beneficiary to aliens or to stateless individuals in conformity with Council Directive 2005/85/EC “on minimum standards on procedures in Member States for granting and withdrawing refugee status” (L 326/13.12.2005) and other provisions, 14 June 2013, <http://www.refworld.org/docid/525e84ae4.html>.

⁹⁹ According to Art. 28 of P.D. 114/2010, first instance and appeal bodies may consider granting humanitarian status to applicants who had their application for international protection rejected, e.g. for reason of serious health reasons or for other practical or other reasons (Art. 3 of ECHR and ICPPR).

¹⁰⁰ The backlog of appeals consisted of almost 51,000 cases in the beginning of 2013.



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The two members of the Appeals Committees proposed by NCHR and UNHCR have the required professional competencies, adequate expertise and have received targeted training, including from EASO. This has contributed to improved quality of appeal decisions to some extent. Of the cases decided under this procedure by 30 September 2014, 8.2 per cent were recognized as refugees, 2.9 per cent were granted subsidiary protection status, and 12.5 per cent national humanitarian status.¹⁰¹

The reduction of the backlog faces challenges, in particular with the notification procedure by the Police Aliens' Directorate of Attica relating to renewals of "Asylum-Seeker Cards" and maintenance of case files, including updated contact details of applicants.

A further concern is the systematic rejection of requests for renewal of subsidiary protection and humanitarian status by the MoPOCP. As this is done without any justification, individuals may turn to the new asylum system and submit subsequent applications. This risks overburdening the new system.¹⁰²

New Asylum Procedure

Law 3907/2011 established the Asylum Service as the competent State authority to examine applications for international protection at first instance. The law further defined that the Appeals Authority has the competence to examine appeals against rejections by the first instance body.

The Asylum Service functions at the level of a Directorate within the MoPOCP and its Director reports directly to the Minister of MoPOCP. The Service has its own budget and enjoys full autonomy as regards the issuance of Guidelines and Circulars. It has created a Department for Training, Quality Assurance and Country of Origin Information (COI), which, in October 2014, was staffed with three out of five foreseen staff members. Since it commenced its operation, the Department has been working on capacity building of caseworkers, implementation of a quality verification mechanism, guidance on complex status determination issues, such as exclusion, the drafting of thematic COI reports, with the support of EASO, caseworker guidance on specific countries, the use of the EASO COI portal, as well as a repository where all decisions issued can be accessed by the Asylum Service caseworkers.

Decisions at first instance are issued by the caseworker who conducts the interview. All interviews benefit from the presence of qualified interpreters, either in person or through teleconferencing facilities. Caseworkers, based on detailed SOPs, provide asylum-seekers with relevant information around the purpose and the procedural aspects of their application, and generally allow for sufficient time for a complete interview in appropriate conditions. All caseworkers have completed several modules of the EASO Training Curriculum, a considerable number have been trained as trainers, and have also received training on specific thematic areas by UNHCR. The majority of caseworkers have received specialized training for interviews with children as well as other vulnerable persons such as victims of torture. According to the Asylum Service's SOPs and practice, interviews with individuals with specific needs are conducted by properly trained caseworkers, to the extent feasible.

The Asylum Service has concluded a Memorandum of Cooperation with UNHCR focusing on the enhancement of quality assurance of the new asylum procedure at first instance, and legal and technical expertise for the design of tools, including support for the provision and use of COI. In practice, this means that caseworkers are building their capacity through daily consultations on conducting interviews and decision drafting with UNHCR workforce deployed to the RAOs (5,276 consultations from 1 January to 30 September 2014). Additionally caseworkers address queries related to COI research to the COI Unit. Based on UNHCR monitoring of 342 asylum interviews by Asylum Service caseworkers from 1 January to 30 September 2014, UNHCR considers that they generally comply with minimum standards set out in international, EU and national legislation. UNHCR has a similar assessment with regard to the quality of decisions which include reference to the applicant's statements, an assessment of credibility, reference to relevant COI as well as legal reasoning for granting or not granting status. Since the start of the Asylum Service's operations, UNHCR has noted continued efforts to identify and respond to the training needs of and provide guidance to its caseworkers. Furthermore, and

¹⁰¹ Top nationalities pending appeals in the backlog are: Pakistan, Bangladesh, Georgia, Afghanistan, Nigeria, Albania, Iraq, and Syria.

¹⁰² Almost 20 per cent of the actual registrations at the Asylum Service in 2014 concern subsequent applications.



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in accordance with this MOU, UNHCR has deployed 18 support staff in 2014 to the Asylum Service (including the COI Department and Regional Asylum Offices), to assist with its quality assurance activities. It should also be noted that the Asylum Service regularly produces detailed, accurate and reliable statistical data and analysis. In order to maintain the progress made to date, EU MS and institutions need to continue support, including through UNHCR, to the Asylum Service.

The processing time for adjudicating applications for international protection has improved significantly. While there are still unprocessed cases pending appeal for more than seven years under the “old procedure” operated by the police, the average time in all RAOs from registration to issuance of first instance decision is 90 days, while the average time from the appeal to the issuance of an appeal decision is 49 days.¹⁰³ Processing times for applications lodged in administrative pre-removal detention take on average slightly more than 100 days for both first and second instance.

Improvements in the quality of the decision-making process have also had an impact on protection rates. While under the old system operated by the police, protection rates ranged between 0.86 per cent and 2.05 per cent from 2005 to 2014, the new asylum procedure has a first instance recognition rate of 17.2 per cent for refugee status and a 7.6 per cent protection rate for subsidiary protection. The average rejection rate is still higher than in a number of other EU MS, and stands at 75.2 per cent. It should be noted, however, that the protection rate for Syrians is 99.5 per cent, Eritreans 79.7 per cent, Somalis 66 per cent, Afghans 61.9 per cent, and Ethiopians 61.4 per cent (all figures as of August 2014).

The appeal stage comprises an administrative examination on issues of fact and law by a three-member Appeals Committee and has automatic suspensive effect. Although the number of Appeals Committees was initially envisaged to be 19, it was reduced to 10 in the summer of 2014 as the number of applications for international protection, and thus appeals, was lower than initially envisaged.

According to Law 3907/2011 (Art. 3), the Chairperson and the members of the Committees have expertise in refugee and/or human rights law and enjoy “personal independence” in the exercise of their functions. The Chairperson and one member are selected by the Minister of Public Order and Citizen Protection (MoPOCP) from a list of names proposed by the National Commission for Human Rights (NCHR), and the second member is indicated by UNHCR.¹⁰⁴ The Appeals Committees are established through Ministerial Decision issued by the Minister of MoPOCP and their Chairperson and two members sign a services’ contract with the MoPOCP.

In practice, the independence of the Appeals Committees is impaired by procedural limitations stipulated in national legislation or established by administrative instructions of the Appeals Authority. For instance, P.D. 113/2013, introduces as a rule an examination on the file and limits the possibility of the Appeals Committees inviting applicants for a hearing even in cases where it is assessed that the first instance file is not adequate for a full and thorough examination of the appeal. Furthermore, admissibility of overdue appeals is decided upon not by the Appeals Committees, but by the Director of the Appeals Authority, who by law is responsible for the unhindered and effective functioning of the Appeals Committees without having a decision-making authority vested in him by law. Lastly, it is foreseen that rapporteurs, who are civil servants reporting to the Director of the Appeals Authority have the authority to prepare recommendations for individual cases examined by the Appeals Committees which are, on certain procedural issues (i.e. if an interview is proposed to be conducted or taking into account new/additional evidence in the file) binding on the latter.

¹⁰³ These figures represent the average processing time, according to official data by the Asylum Service.

¹⁰⁴ In the past UNHCR participated in the Appeals Committees of the “old system” through representatives. At present UNHCR only “indicates” members in the Appeals Committees, facilitating and contributing to a selection of professionals with expertise in refugee law; these experts do not represent UNHCR.



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In summer 2014, the appointment procedure of the currently functioning 10 Appeals Committees was contested with regard to its legality and concerns were expressed regarding the observance of the rule of independence of the Committee members.¹⁰⁵ Delays in the appointment procedures have led to a backlog of 1,646 appeal cases as of 30 September 2014.¹⁰⁶

In 2014, the largest number of appeals related to first instance rejections of asylum-seekers originating from Pakistan, Albania, Georgia, Egypt, Bangladesh and Afghanistan. Refugee recognition rates at the appeal stage are 12.7 per cent, while the protection rate for subsidiary protection stands at 5.5 per cent.

A rejection on appeal may be challenged before the Administrative Court of Appeals which examines only issues of law. Recourse to the Court may have a suspensive effect if requested by the appellant and endorsed by the Court. The Court pronounces itself on the legality of the administrative decision on appeal and if the said decision is annulled, the Court refers the case back to the Appeals Committees for a re-examination. The procedure before the Administrative Court of Appeals can take two to five years.

Overall, the quality of the asylum procedure at first instance of the new system, as well as the quality of decisions has improved. Particularly notable are improvements in interpretation services outsourced to METAction and conducted in an organized and professional manner, as well as in the reasoning of decisions, short timeframe for their issuance and the provision of information to asylum-seekers. However, the uninterrupted provision of interpretation services cannot be assured due to dependency on external funding.¹⁰⁷ In addition, the provision of legal aid is not enshrined as an obligation in the law yet, despite the related obligation in the APD. Limited legal aid services are provided though some specialized NGOs. However, these services are delivered in a project-based, non-sustainable and inconsistent manner.¹⁰⁸



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¹⁰⁵ NCHR issued a public statement on this issue (see <http://goo.gl/E0eVoL>).

¹⁰⁶ As per the communication of 24 October 2014 by the Appeals Authority, appeals by detainees and vulnerable individuals from among the backlog cases will be prioritized. It is estimated that the clearance of this backlog will take up to four months.

¹⁰⁷ This funding is made available by the European Union and European Economic Activity funding.

¹⁰⁸ The Asylum Service started a dialogue with NGOs and other stakeholders in 2014 regarding the creation of a legal aid system that will comply with the requirements of the (recast) APD.

8. Administrative detention for pre-removal purposes affecting persons in need of international protection

Third-country nationals who are intercepted in Greece without residence status or documentation are subject to administrative detention. The purpose of this policy is to identify individuals, to manage removals,¹⁰⁹ including to boost voluntary returns, and to deter further arrivals. During the last two years, detention policies and practices have become more restrictive,¹¹⁰ affecting many who are in need of international protection, mainly through significant prolongation of the detention period. When detention is imposed, it is done without a proper individual assessment or consideration of alternatives to detention. Particularly concerning is the absence of a proper judicial review,¹¹¹ and the prolongation of the detention¹¹² for periods that can exceed the maximum 18-month timeframe allowed by the Returns Directive.¹¹³ The conditions of administrative detention are also seriously problematic.

Exceptions to this general detention policy exist. Syrians are either not subject to detention or are promptly released from detention, because of a decision of the Greek authorities to suspend the removal of Syrians. Practices in relation to the detention of Palestinians ex-Syria vary depending on the interpretation of existing Police HQ guidance by the local Police Directors. Furthermore the majority of new arrivals arrested at the sea borders, regardless of nationality, are promptly released due to the limited capacity of the detention facilities.

UNHCR is concerned that pre-removal detention is used for categories of individuals who should not be subject to administrative detention. This includes (i) asylum-seekers who were unable to register their asylum application before having been detained due to limited access to the asylum procedure, as described above, (ii) Syrians, as well as other persons whose return to their country of origin (e.g. Somalia, Eritrea) is not feasible, and who are unlawfully detained because they are considered a danger to public order,¹¹⁴ (iii) Syrians, as well as other persons whose return to their country of origin is not feasible, who are detained for prolonged periods of time pending the verification of their identity and nationality, (iv) persons with specific needs,¹¹⁵ including victims of torture and (v) UASC who, due to serious deficiencies in the practical implementation of age assessment processes, are registered and detained as adults.¹¹⁶

¹⁰⁹ Removal procedures are governed by *Law 3386/2005* for those who are arrested at the borders and by *Law 3907/2011*, transposing the Return Directive.

¹¹⁰ Police introduced robust operations which involved the arrests of undocumented third-country nationals. The operation "Xenius Zeus" conducted since summer 2012 and introduced mandatory administrative detention for all third-country nationals arrested without documentation. In the same period six pre-removal detention centres were established (Amygdaleza, Korinth, Fylakio, Xanthi, Komotini, Paranesti) with a detention capacity of approximately 5,000 detainees. For details on the detention policies and its implementation please refer to the report of the Hellenic Foundation for European and Foreign Policy (ELIAMEP), *Assessing the Cost-effectiveness of Irregular Migration Control Policies in Greece*: <http://goo.gl/qosBXR>.

¹¹¹ ECtHR, in *AFFAIRE HOUSEIN c. GRÈCE* (71825/11), par. 79-84, has assessed that the detainee did not have an effective remedy against his detention.

¹¹² Greek Ombudsman and UNHCR documented that in the case of 240 detainees that were at pre-removal Centre of Komotini, Northern Greece, the average time of detention was 12-15 months, while, according to the law, this long duration should be exceptional (Joint Mission of Greek Ombudsman and UNHCR, June 2014).

¹¹³ European Union: Council of the European Union, *Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals*, 16 December 2008, OJ L. 348/98-348/107; 16.12.2008, 2008/115/EC: <http://goo.gl/Wg4Dno>.

¹¹⁴ Under Greek, and European law, administrative detention for removal purposes may be enforced only if there is a reasonable prospect of removal and only if the execution of the removal cannot be achieved otherwise. If an act of removal cannot be implemented, detention is unlawful, regardless of the grounds used to justify detention. Furthermore, reasons of public order as a ground of detention are not provided in *Law 3907/2011*. UNHCR and the Greek Council for Refugees have documented, in the course of 2014, more than 75 cases of Syrians, Somalis, and Eritreans in detention for reasons of public order. UNHCR has intervened with the authorities without any response so far.

¹¹⁵ UNHCR has recorded cases of people with serious mental health problems who have been detained even after their medical conditions were confirmed.

¹¹⁶ UNHCR and NGOs have recorded dozens of cases of individuals detained in pre-removal centres, who were visibly minors and who were registered as adults. A number of them were even detained in the Amygdaleza Special holding facility for unaccompanied children, but their registration as adults led to the non-receipt of any special care and to the failure to be released and accommodated in a reception centre.

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According to official data of the Asylum Service, 33.3 per cent (899 persons) of the examined applications of those who applied for asylum while in detention were granted protection status at first instance. This further underlines the assessment that too many individuals are mistakenly routed into pre-removal detention.

A further concern is the length of detention. Greece routinely reaches the 18-month maximum period of detention provided for in the Returns Directive and in Greek law. Moreover, in March 2014, Greece began implementing a practice¹¹⁷ according to which detainees, even after completing 18 months of detention, might not be released but remain in the pre-removal detention centres. This is seen as enforcing the “*obligation to stay at a certain place*”,¹¹⁸ until they cooperate with their voluntary return.¹¹⁹ Although, this practice has been found to be unlawful in decisions by the competent Administrative Courts,¹²⁰ hundreds of detainees¹²¹ remain under detention for more than 18 months.¹²²

Individuals who seek international protection while in detention for pre-removal purposes are referred by the police to the competent Regional Asylum Office (RAO). They remain detained until their application is registered by the Asylum Service, which may take several months due to limited capacity of the Asylum Service to register and process applications for international protection, combined with the high number of applications of third-country nationals who are detained under pre-removal orders.¹²³ After registration, asylum-seekers are usually detained at least until the status determination interview, normally conducted three to four weeks later.¹²⁴ This follows the Asylum Service policy that detention is necessary on the grounds of “*the verification of the applicant’s identity or origin*”¹²⁵ and “*the speedy and effective completion of the examination of the application*”.¹²⁶ The police may also issue a detention order, on the grounds that the asylum-seeker constitutes a danger to national security or public order, providing there is due and specific justification of these grounds. UNHCR has documented cases of asylum-seekers who have been detained for reasons of public order who are not given any specific or individualized justification for their detention.

On the positive side, administrative guidance has been issued by the Asylum Service, according to which asylum-seekers should be released immediately following status determination interviews if their claims are considered well-founded. As neither the Asylum Service nor the police make a thorough individual assessment of the need for detention, the principle that detention for asylum-seekers should be an exceptional measure is undermined as most remain detained. In UNHCR’s view, detention of

¹¹⁷ Following issuance of an Opinion by the Legal Council of State (No 44/2014/11.2.2014) and acceptance of its content by the Minister of MoPOCP.

¹¹⁸ According to Arts. 22 and 24 of the Law 3907/2011.

¹¹⁹ UNHCR addressed the Greek authorities calling for the abolition of this practice, being contrary to European legislation, as the “obligation to stay at a certain place”, as provided for by law refers to restrictive measures other than detention. If this order is implemented in the pre-removal detention centres and under the same conditions, then it is detention, which, as it exceeds 18 months, would be unlawful.

¹²⁰ As an example, the *Decision no. 2255/23.5.2014* of the Administrative Court of Athens considers this restrictive measure to be a de facto detention which cannot exceed 18 months according to the law.

¹²¹ At 13 October 2014, 225 detainees in the pre-removal centres of Komotini, Xanthi and Paranesti had been detained for more than 18 months according to the police authorities. The maximum detention period that UNHCR has documented is 24 months to date.

¹²² It is noted, as an aggravating factor, that detainees who have remained more than 18 months and have been released following a decision by the Administrative Court, may be re-arrested and detained in view of successive deportation orders (cases documented by UNHCR and GCR), which has been found to be unlawful as regards maximum limits of detention, Greek Ombudsman, *Report on “Successive Deportations of Aliens”*, Ref. No. 2899/05/4/20.9.2006. See also ECtHR, *John vs Greece*, Appl. No. 199/2005.

¹²³ At 13 October 2014, according to police data, numbers of cases pending registration by the Asylum Service are 315 in Xanthi, 115 in Paranesti, 280 in Komotini, 35 in Fylakio, 392 in Korinthos, 540 in Amygdaleza. According to the official data of the Asylum Service, detainees in Amygdaleza would wait normally for up to 4 months. UNHCR has documented cases of persons in other detention facilities who were pending to be registered for over one year while a significant number of asylum-seekers wait for 4 to 8 months.

¹²⁴ According to the official data of the Asylum Service the average time between the registration of the asylum claim of detainees and the RSD interview is 23 days.

¹²⁵ Asylum Service does not propose the detention of asylum-seekers “for the verification of the applicant’s identity or origin” if they present the required documentation as per administrative guidance or have passed through first reception procedures (see previous section of this paper on First Reception).

¹²⁶ According to administrative guidance, the Asylum Service does not endorse the detention of asylum-seekers from Syria, Somalia, and Eritrea as well as of Palestinians who present a travel document or identity card.



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asylum-seekers should be a measure of last resort, for the shortest possible period and in full compliance with international and European law.¹²⁷ UNHCR is also concerned about legislative amendments which increase the maximum time limits for detention of asylum-seekers from three to nine months.

Insufficient provision of free legal aid in pre-removal detention is another identified shortcoming of the system. Some NGOs provide legal aid, but the legal aid services provided are not sufficient to adequately meet the needs of detainees.¹²⁸ This situation is aggravated by the lack of information provided to detainees on their legal status, rights, obligations and their further administrative treatment by the authorities¹²⁹ as well as by the limited availability of interpretation services.

As mentioned above, the absence of prompt and regular periodic *ex officio* reviews of the necessity for the imposition or continuation of detention by a judicial or other independent authority raise serious concerns regarding the provision of an effective remedy against detention. The ability to provide decent living conditions for detainees should be taken into consideration by the authorities when deciding on detention,¹³⁰ equally, it should be taken into consideration in order to establish the lawfulness of detention.

Pre-removal detention centres in Greece were established to accommodate irregular migrants following the large-scale arrest operations of 2012. Although there have been some improvements in the material conditions,¹³¹ there are no defined standards and operating procedures and conditions still remain largely substandard.¹³² A major concern are the limits on, or absence of access to, medical services,¹³³ including lack of access to medication and inadequate psychosocial support.¹³⁴ The absence of adequate medical services, in combination with prolonged detention in inappropriate conditions, including substandard sanitary facilities in some of these detention centres, endangers the physical and mental health of detainees and could lead to traumatization of asylum-seekers.¹³⁵

Several pre-removal detention centres are often overcrowded, sometimes with average space per detainee less than four square metres (as is the case of Fylakio). Poor diet is noted in all detention facilities and basic needs (such as clothing and footwear, hygienic items, bed linen and towels) are inadequately met. Despite the fact that access to fresh air and courtyards has improved in most facilities, recreation and leisure activities are still limited. Insufficient heating and cooling in some of these detention centres also affects the health of the detainees. Furthermore, these detention facilities provide an inappropriate environment for individuals with specific needs who do not have access to any special treatment, services or care.

¹²⁷ UNHCR, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, <http://www.refworld.org/docid/503489533b8.html>.

¹²⁸ MoPOCP has recently concluded an Agreement with the Athens Lawyers' Association for a pilot project for the provision of legal aid to detainees in the pre-removal centre of Amygdaleza in Attica.

¹²⁹ See report entitled on the Asylum Campaign, *Initiative for the Rights of the Detainees* by the consortium of NGOs (Aitima, Arsis, Social Network for the support of Refugees and Migrants, Greek Helsinki Monitor, Greek Council for Refugees, Greek Forum for Migrants, Ecumenical Refugee Programme, Group of Lawyers for the Rights of Refugees and Migrants, Praksis), regarding the conditions of administrative detention and access to asylum procedure, October 2014, p. 2.

¹³⁰ As provided for in Art. 30 of Law 3907/2011, as regards third-country nationals under return procedures, and in Art. 12, par.6, of P.D. 113/2013, as regards asylum-seekers.

¹³¹ Improvements through refurbishment are compromised by the lack of further maintenance work.

¹³² See related conclusions in European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), CPT/Inf (2014) 26, Report to the Greek Government on the visit to Greece carried out by the CPT from 4 to 16 April 2013, p. 42.

¹³³ The National Centre of Health Operations (EKEPY) has undertaken the provision of medical services in pre-removal centres, through agreement with MoPOCP; however, serious administrative drawbacks in implementation have led to delays and non-effective coverage of medical needs in all pre-removal centres.

¹³⁴ MoPOCP employs psychologists, social workers and cultural mediators undertaking interpretation services in pre-removal facilities; however, this employment is project-based resulting in interruption and non-sustainability of services, and effective guidance and coordination of these professionals as regards exercise of their tasks is lacking.

¹³⁵ See Medecins sans Frontieres, *Invisible Suffering: Prolonged and systematic detention of migrants and asylum seekers in substandard conditions in Greece*, April 2014, available at http://www.msf.org/sites/msf.org/files/invisible_suffering.pdf; UNHCR has recorded very serious health problems of third-country nationals occurring or becoming more severe while in detention. This has been the case of a Congolese for example, who has been detained at the pre-removal Centre in Komotini since August 2012. In March 2013 he was diagnosed as suffering from leptospirosis, which caused myocarditis, vasculitis and severely affected the central nervous system; after a long period of medical treatment, the amputation of both his legs was carried out.



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Considerable numbers of third-country nationals who are undocumented, also continue to be held in detention facilities operated by the Police Directorates, Border Guards, Port Police and in police stations. Some of those detained stay at these facilities for more than 12 months.¹³⁶ The vast majority of these facilities are inappropriate and were not designed to hold persons for longer than a few days. Many lack outdoor access and there is usually a lack of ventilation and natural light. The conditions in these facilities are frequently poor and constantly deteriorate due to overcrowding, insufficient maintenance and lack of refurbishment. In combination with the lack of medical services, these facilities provide an environment which constitutes a risk to the physical and mental health of detainees. These facilities are not fit for detaining persons for longer than 24 hours.

9. Integration of international protection beneficiaries

Since 2012, a total of 2,631 persons were granted international protection in Greece.¹³⁷ During the same period, an additional 699 persons were granted humanitarian status. The rights for those who have been granted international protection in Greece are regulated by P.D. 141/2013,¹³⁸ transposing the recast QD,¹³⁹ while those who received humanitarian status are by law accorded the same rights as beneficiaries of subsidiary protection.¹⁴⁰

Although beneficiaries of international protection are formally accorded rights, the absence of integration measures and the continuous impact of the economic crisis in Greece, lead to significant challenges and often to the marginalization and even social and economic exclusion of recognised refugees, subsidiary protection holders and those granted humanitarian status.¹⁴¹

Although beneficiaries of international protection were included in National Integration Strategy of the Ministry of Interior of April 2014 and are part of the integration policies for third-country nationals in accordance with Art. 28 of Law 4251/2014,¹⁴² there is a lack of targeted integration measures and post-recognition support. The limited integration measures in place focus mainly on migrants and not on refugees. As recent research highlighted, integration in Greece exists *“mostly on paper and is in practice rather minimal.”*¹⁴³

UNHCR has documented cases of individuals who have been granted protection but not systematically provided with sufficient information on their rights and obligations and often not properly referred to the competent authorities responsible for addressing their specific needs; this absence of information is partially but not sufficiently covered by refugee communities themselves and NGOs. Delays in the issuance or renewal of documents, like residence permits and Convention Travel Documents

¹³⁶ On 15 October 2014, according to official data, almost 2,000 third country nationals were detained in Police Directorates, Police Stations, and Police Security Departments around Greece, while 628 third country nationals were detained in the Aliens Police Directorates of Attica and Thessaloniki.

¹³⁷ According to official data, in 2013, 269 persons were recognized as refugees and 110 as beneficiaries of subsidiary protection by the Asylum Service, while in the first eight months of 2014, respective numbers are 918 and 400. Moreover, in 2013, 314 persons were recognized as refugees and 286 as beneficiaries of subsidiary protection by the police authorities, while in the first six months of 2014 respective numbers are 191 and 143.

¹³⁸ *Presidential Decree (P.D) 141/2013* on the “transposition into the Greek legislation of the provisions of *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 (L 337) on minimum standards for the qualification of third country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted* (recast). (Official Gazette A 226/21.10.2013).

¹³⁹ *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted* (recast). 20 December 2011, OJ L 337; December 2011, pp 9-26, available at: <http://www.refworld.org/docid/4f197df02.html>

¹⁴⁰ Art. 28, par. 6, P.D. 114/2010.

¹⁴¹ UNHCR Greece, *Current issues of Refugee Protection*, 19 June 2014.; <http://goo.gl/9JE5cE>.

¹⁴² *Migration Law 4251/2014*, Official Gazette. A' 80/01.04.2014.

¹⁴³ Hellenic Foundation for European and Foreign Policy (ELIAMEP), *Migration in Greece – Recent Developments in 2014*, <http://goo.gl/Y80joQ>, pages 16-17.



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(CTDs) presents another challenge as without them the individual experiences significant obstacles to access relevant rights.¹⁴⁴

In relation to accommodation, there are no specific facilities for social housing or any alternative forms of support available, such as rental subsidies, grants, refundable loans or targeted financial support for international protection beneficiaries in Greece. The country has no social housing system, and therefore beneficiaries of international protection depend on other limited welfare measures that the State applies also for its own nationals.¹⁴⁵ In case of homelessness, beneficiaries of international protection compete with nationals for the limited resources local authorities can provide. They are often subject to discriminatory treatment as those who operate shelters do not have the expertise or cannot properly communicate with beneficiaries, or due to the absence of the required documentation.¹⁴⁶ Outside the State services, beneficiaries of international protection have serious difficulties in finding adequate housing because of the lack of financial resources.¹⁴⁷ Whereas asylum-seekers have access to reception centres in principle, as soon as they are granted protection, they have to leave the facility.¹⁴⁸ These conditions result in many of those with protection status becoming homeless and exposed to various risks, especially in urban centres.¹⁴⁹

There is no targeted national strategy to promote employment or increase the employability of those granted international protection. Access to employment is hindered by obstacles to participation in the very limited employment programmes, where beneficiaries of international protection often fail to register because of a lack of required documentation.¹⁵⁰ Contrary to EU law, beneficiaries of subsidiary protection are treated like asylum-seekers and face the same difficulties with regard to the issuance of work permits.¹⁵¹ Another challenge is the recognition of qualifications and skills obtained abroad.

NGOs and refugee communities report a critical situation for beneficiaries of international protection, as many of them remain unemployed and destitute. Beneficiaries of international protection with disabilities or other specific needs are further affected by current austerity measures. Recent laws exclude non-Greeks or persons who did not reside in the country for a considerable time from access to social rights.¹⁵²

¹⁴⁴ Although the Asylum Service operates since June 2013, the Ministerial Decision on the issuance of residence permits was adopted in September 2014 (No 7315/29.08.2014 – O.G. B 2461/16.09.2014) and the first residence permits have been issued only recently, while the Ministerial Decision for the issuance of Convention travel documents was adopted in December 2014. As regards documentation issued for beneficiaries recognized by Police (the “old procedures”), non-renewals of residence permits are taking place for a number of beneficiaries of subsidiary protection- see also para above in the Chapter on the Quality of Asylum Procedures - and serious delays – up to 6 months- are noted for relevant positive decisions. Moreover, severe delays occur for the issuance of Convention travel documents of refugees – NGOs report a minimum period of eight months, - while beneficiaries of subsidiary protection face additional obstacles as issuance of travel documents by the authorities is quite limited and their possibility to travel as holders of a national passport (as per art. 25 para 4 of P.D.141/2013) is not always ensured. According to official data, in 2013, 250 Convention travel documents were issued for refugees and 2 for beneficiaries of subsidiary protection, while in 2014 respective numbers are 133 and 3.

¹⁴⁵ *Law 4052/2012*, Official Gazette, A' 41/01.03.2012 defines homeless persons as a vulnerable social group providing also for the issuance of Ministerial Decisions on relevant projects and actions for their support.

¹⁴⁶ For instance, tax clearance notes, tax declarations on real estate, and toxicological tests - as refugees cannot afford relevant costs.

¹⁴⁷ During UNHCR's monitoring visits to reception centres in 2014, several cases were reported of vulnerable groups, i.e. UASC and families, who were granted status and thus were obliged to leave the facilities without any further accommodation provided.

¹⁴⁸ For instance, Article 9 of *P.D. 266/99*, Official Gazette A 217/20.10.1999, on the operation of the Lavrion Reception Centre provides that recognized refugees have to leave within thirty days from their recognition.

¹⁴⁹ NGOs report that they serve beneficiaries of international protection who are either homeless or live in extremely difficult conditions.

¹⁵⁰ These relate mainly to tax clearance notes and high school diplomas.

¹⁵¹ *Circular No 19000/442/19.10.2012* of the Ministry of Labour regulates the procedure of the issuance of work permits and access to work for subsidiary protection beneficiaries in a similar manner as for asylum seekers; as a result, they face the same obstacles as asylum-seekers.

¹⁵² For example *Law 4093/2012*, Official Gazette, 222/12.11.2012 or *Law 3918/2011*, as amended by *Law 4141/2013*.



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A major concern for UNHCR is that recognised refugees face serious difficulties to fulfil the legal requirements to initiate family reunification,¹⁵³ while beneficiaries of subsidiary protection are deprived of this right.

In 2010, legislative changes improved the facilitation of refugees' acquisition of Greek nationality.¹⁵⁴ However, practical barriers and serious delays remain,¹⁵⁵ while the availability of legal advice and information is quite limited. Moreover, provisions on the acquisition of citizenship by refugee children born in Greece were considered unconstitutional by the Council of State.¹⁵⁶

The current practice of the police-led "old procedures", to refuse the renewal of residence permits granted to beneficiaries of subsidiary protection and humanitarian status, also seriously affects the integration prospects of these beneficiaries. As these individuals' status documents are taken away when they apply or when they appeal, they are deprived of their rights although the examination of their application for renewal is still pending.¹⁵⁷

10. Voluntary and forced returns

Assisted Voluntary Return

During the last five years, the Government of Greece has significantly enhanced schemes for Assisted Voluntary Return (AVR) for third-country nationals. As of 2010, Greece has concluded Grant Agreements with the International Organization for Migration (IOM). The Greek Police also carries out assisted return programmes.

The number of beneficiaries of IOM's AVR programmes has gradually increased, while the quality of IOM programmes has been enhanced through the inclusion of reintegration measures. Additionally, IOM manages and implements related projects, funded outside the scope of the RF, for adults as well as for persons with specific needs, including UASC. UNHCR Greece has been a partner agency to IOM in the AVR projects that are funded under the RF, aiming at assisting individuals to take an informed decision on return. To that end prospective beneficiaries of the AVR programme, who freely approach IOM in Athens, are being referred to UNHCR for advice and clarifications as to their rights and obligations in Greece.

¹⁵³ According to Art. 4 of *P.D. 167/2008*, Official Gazette A' 223/4.11.2008, refugees are obliged to provide required documentation, (i.e. official translation of documents, family status certificate, official copies of family members' travel documents, as well as to fulfil the additional conditions imposed in case the application is submitted after three months post-recognition, which are: (a) sickness insurance for himself/herself and the members of his/her family or (b) official document proving stable and regular resources sufficient to maintain himself/herself and the family members without recourse to the national social assistance system. There is also a requirement for a lease or other official document proving appropriate accommodation meeting the needs of the family.

¹⁵⁴ *Law 3838/2010*, Official Gazette, A 49/24.03.2010.

¹⁵⁵ Naturalization requires the submission of tax clearance which many refugees may not have due to their unemployment. According to NGO reports process time of naturalization may take up to four years.

¹⁵⁶ *Decision No 460/2013* of the Plenary of the Council of State, issued in February 2013, considered unconstitutional the provisions of *Law 3838/2010* on acquiring Greek citizenship and particularly the new procedures established for third-country nationals, including refugee children, born in Greece or having attended Greek schools for at least six years, as well as the provisions on the right of third-country nationals (including beneficiaries of international protection) to vote in local elections.

¹⁵⁷ NGOs have reported cases of beneficiaries in this category with disabilities who are not able to receive welfare benefits or who are considered unemployed beneficiaries but not receiving unemployment allowances, or others not having access to health services. The Greek Ombudsman highlighted the obligation of the authorities to ensure that beneficiaries are holders of legal documents at any stage of this procedure (Greek Ombudsman's letter notified to UNHCR, Prot. No. 178714/1587/13.1.2014).



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AVR projects implemented by IOM account for a significant part of the overall returns of third country nationals.¹⁵⁸ The majority of returnees under IOM's AVR project are single men.¹⁵⁹ Main countries of origin of persons who benefited from AVR in 2014 were Pakistan (43 per cent), Bangladesh (14 per cent), Georgia (13 per cent), Afghanistan (6 per cent) and Egypt (5 per cent). IOM excludes from its return programmes countries, or areas of countries, for which there is reliable information that the security conditions are not conducive to safe return. Such countries/areas, according to IOM policies, currently include Syria, South and Central Somalia, South Sudan, DRC, Central African Republic, Libya, Algeria and the Democratic People's Republic of Korea (DPRK), while returns to Iraq may proceed on a case-by-case basis for certain regions.

It is noteworthy that among the AVR applicants are asylum-seekers as well as refugees, beneficiaries of subsidiary protection and persons granted humanitarian status. Of 479 persons met and interviewed by UNHCR since January 2014, including asylum-seekers (97 persons) and beneficiaries of subsidiary protection (19 persons), 41 per cent declared they were unemployed or lacked steady employment, 21 per cent they were destitute and homeless, and 6 per cent raised concerns about lack of access to health services. Of those outside the asylum procedure, approximately 15 per cent claimed to have unsuccessfully tried to register their asylum claims, and another 2 per cent (7 cases) stated their files had been closed without their international protection claims having been examined.

Forty-one per cent (1,947 persons) of those who left under IOM's AVR project in the period January to September 2014, were detainees in pre-removal proceedings,¹⁶⁰ including registered asylum-seekers who withdrew their application for international protection. Detainees are informed of AVR possibilities at the same time as they receive information by the police on the maximum period of detention. As noted in a number of cases, administrative decisions prolong the detention period of third-country nationals under removal proceedings on the explicit ground that the individual does not cooperate in AVR. This raises questions with regard to the voluntariness of the return decision. UNHCR is also aware of AVR referrals while in holding facilities in Evros before being transferred to the FRC. Persons who claimed to have international protection needs have also decided to join the AVR programme when referred to pre-removal facilities, mainly because of their unwillingness to be subjected to long-term detention under existing conditions. Consequently, the voluntary character of the decision to return may be compromised by the fact that the alternative option for these individuals would be prolonged detention.

For all voluntary return, exemption from the imposition of an entry ban is applied, and a small financial allowance is provided to the individual.¹⁶¹

Forced return

Forced returns are undertaken in the context of direct deportation to the country of origin or of readmission to third countries. The effectiveness of forced removal is largely dependent on whether the third country national is a holder of valid travel document, as well as on cooperation on the part of the respective consular authorities. In the vast majority of cases, third country nationals do not hold valid travel documents, while a number of consular authorities are reluctant to issue documents which would facilitate forced returns. It is indicative that only 2,329 third-country nationals (excluding Albanian nationals) have been forcibly returned in the period from January to September 2014.¹⁶²

¹⁵⁸ According to IOM's data, a total of 21,263 individuals have returned to their home countries with the support of IOM AVR projects in the course of the years 2010-2014 (end September). Compared to the overall numbers of returned individuals, in 2013, out of a total of 26,186 persons, 9,225 were beneficiaries of AVR programmes, 648 were individuals who cooperated in their return with the Hellenic Police, and 16,313 were forcibly removed, mostly through readmission agreements with third countries (Albanians account for 7,527 of those readmitted). A total of 5,370 persons have returned through the IOM AVR projects already in the course of 2014 (January to September).

¹⁵⁹ Of the 4,714 persons who departed in 2014 (end September), 88 per cent were single men (4,144 persons).

¹⁶⁰ As per data shared by IOM, main nationalities were Pakistan (44 per cent), Bangladesh (16 per cent), Afghanistan (8 per cent), Iraq (8 per cent) and Egypt (8 per cent).

¹⁶¹ According to official data by the Greek Police, 648 individuals applied to the police AVR scheme in 2013 and 9,225 to IOM. During the first nine months of 2014, 97 individuals applied to the police and 5,370 to IOM.

¹⁶² According to police data, out of a total of 8,780 forced returns until September 2014, 6,451 were Albanian nationals.

11. Racism and xenophobia

Incidents of racism, racial discrimination, xenophobia, racist violence and other forms of related discrimination and intolerance remain of serious concern to UNHCR as they contribute to a climate in which the protection of asylum-seekers and refugees is regularly under threat.¹⁶³ Greece has experienced a continuous trend of gradual legitimization of xenophobic discourse in the public sphere and widespread anti-immigrant sentiment influencing many aspects of social life, in particular since the start of the economic recession. Although racism, xenophobia and intolerance are broader human rights issues affecting different groups such as the Roma, persons of diverse sexual orientations and gender identities and others, such phenomena in Greece have been, to a large extent, manifested against migrants and refugees.

Racial discrimination, racist violence and intolerance undermine the protection environment in the country, including, first and foremost, the physical integrity of persons of concern. Negative public attitudes towards persons of concern have laid the ground for restrictive detention policies and measures;¹⁶⁴ heightened risk of exploitation and abuse, including in formal and informal labour markets; segregation, marginalization and exclusion of persons of concern from the local community; and have contributed to difficulties in accessing rights and services. Regular expressions of racism and xenophobia hamper the reception and integration of beneficiaries of international protection in Greek society.¹⁶⁵

Racism and xenophobia are also reflected in increased support for far-right extremism during the last three years¹⁶⁶ and an escalation of racially motivated attacks against migrants, asylum-seekers and refugees on the basis of the colour of their skin, their religion, or their country of origin. Although racist incidents have been on the rise since 2011, they were largely under-reported and unaddressed by the competent authorities.¹⁶⁷ From the second half of 2012, racist attacks were reported in the press

¹⁶³ UNHCR, *Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach*, December 2009 in <http://www.refworld.org/docid/4b30931d2.html>.

¹⁶⁴ In early August 2012, the Greek government launched “Xenios Zeus”, a police operation aimed at cracking down on irregular immigration and crime in Athens. Tens of thousands of people, among them migrants with legal status, recognized refugees and asylum-seekers were subjected to searches on the streets and hours-long detention at police stations, some reportedly abusive. Human Rights Watch documented the use of ethnic profiling and arbitrary deprivation of liberty in the report *Unwelcome Guests* <http://www.hrw.org/node/116082>. The Greek Ombudsman in its report on racist violence elaborated on the disproportionality of the operation; the problematic use of racial profiling; and the racist stereotypes the operation promoted in Greek society <http://www.synigoros.gr/resources/docs/eidikiektthesiratsistikivia.pdf>. Moreover, in April 2012, Greece amended its immigration law to permit broader detention of migrants and asylum-seekers justified as public health measures. The legislative changes were accompanied by declarations of Greek politicians referring to “a hygiene bomb waiting to explode” and “dangers caused by the uncontrolled influx of illegal migrants in the centres of the cities”. UNHCR expressed its concern as to whether these provisions are in line with international law and the Greek Constitution <http://goo.gl/VWi1EQ>. According to a media analysis conducted in the framework of UNHCR campaign “1 victim of racist violence is too many” published in autumn 2013, both measures were accepted because of the widespread anti-immigrant rhetoric that shaped public discourse in early 2012 prior to the national elections <http://goo.gl/O3NG7e>.

¹⁶⁵ Specific incidents of xenophobic reactions by local communities have created difficulties in the initial establishment and/or operation of reception facilities, such as in the case of a new reception facility for UASC in Patras, run by Praksis, where, for some months, the local residents expressed concerns about potential criminality and public security. Xenophobic reactions, including also by local authorities, have been expressed concerning planned facilities by the First Reception Service in various parts of the country.

¹⁶⁶ The increase of support to Golden Dawn and the interconnections with racist attacks attributed to members or sympathizers of the party has been widely documented by the Greek media following the arrests of the party's leadership and members in September 2013. The case of Golden Dawn and its racist rhetoric and actions are illustrated in a report by the European Union Agency for Fundamental Rights *Racism, discrimination, intolerance and extremism: learning from experiences in Greece and Hungary*, <http://goo.gl/Lfv9k8>.

¹⁶⁷ Most victims interviewed by RVRN stated that they did not want to officially report a racist incident due to fear of arrest and deportation (for those without legal status) or lack of trust in the justice system. Persons without legal residence documents, who according to RVRN constitute the majority of victims of racist attacks, would be automatically detained upon their arrival at the police station and issued with detention and deportation orders, even if they wish to report such attacks. Consequently, they are deterred from reporting racist violence incidents against them. Similarly, if legal proceedings were initiated, persons without legal status are discouraged to participate in the process, as they risked arrest and detention for the purpose of deportation.

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almost a daily basis all over the country, while the competent authorities failed to record them.¹⁶⁸ According to the European Union Agency for Fundamental Rights (FRA), Greece is ranked in the lowest category as regards existing state mechanisms for recording and publishing data on hate crimes.¹⁶⁹

In mid-2011, UNHCR and the Greek National Commission for Human Rights (NCHR) established the Racist Violence Recording Network (RVRN), an umbrella network of civil society organizations,¹⁷⁰ with a view to generate reliable information on racist violence and xenophobia as a basis for strengthened advocacy to address impunity of perpetrators and prevent further escalation.¹⁷¹ According to RVRN, 65 incidents have been recorded in the first nine months of 2014, 166 incidents in 2013, 154 in 2012 and 63 in the three last months of 2011. Around 60 per cent of victims in incidents recorded by RVRN, are beneficiaries of international protection, asylum-seekers and undocumented persons from countries from where many refugees originate. The RVRN stresses that these incidents are only the tip of the iceberg.¹⁷²

Incidents mostly concerned physical attacks in public places against migrants and refugees on the basis of the colour of their skin and ethnicity. Until mid-2013 the majority of such attacks were performed in a systematic and organized manner by self-proclaimed vigilante groups, dressed in black and at times with military trousers, 'patrolling' neighbourhoods on motorcycles. Attacks were mostly beatings and stabbings¹⁷³ but also included attacks on residences and shops as well as arson attacks on places of worship. Most victims of racist attacks refrained from officially reporting attacks against them to the police. The RVRN noted with particular concern that there was an increase in incidents where police violence intersected with racist violence.¹⁷⁴

Following continuous advocacy efforts by RVRN¹⁷⁵ and other observers who highlighted the urgent need for the Greek authorities to take immediate measures,¹⁷⁶ a series of reforms aimed at strengthening the response to racist violence took place. Special Departments and Offices combating racist violence within the Greek Police were established in 2012 and began operating in 2013,¹⁷⁷ while recent legislative reforms were undertaken with a view to enhance access to justice. Most importantly, a provision giving the possibility to grant special protection status (temporary residence permit on humanitarian grounds) for undocumented migrants who report racist violence incidents to the police was adopted.¹⁷⁸ Another recent legislative reform, introducing an improved framework for harsher penalties

¹⁶⁸ According to the official statistics on hate crimes provided by the competent Greek authorities (Ministry of Justice) to ODESC's Office for Democratic Institutions and Human Rights (ODIHR) for the annual *Hate Crime Report*, in 2012 there were no cases recorded by the police and only one case prosecuted by judicial authorities <http://goo.gl/N7udqT>. The Greek authorities failed to give any official data to ODIHR for 2010 and 2011. In 2013, the newly established Departments and Offices combating racist violence within the Hellenic Police recorded 109 cases with suspected racist motives. All of them were investigated further and were submitted to the local competent Prosecuting Authorities. In 43 of them charges were pressed.

¹⁶⁹ See Fundamental Rights Agency, *Making hate crime visible in the European Union: acknowledging victims' rights*, November 2012, pp. 8-9, http://fra.europa.eu/sites/default/files/fra-2012_hate-crime.pdf

¹⁷⁰ At present the RVRN consists of 36 civil society organizations and Greek Ombudsman as well as the Council for Migrant Integration of the Municipality of Athens as observers.

¹⁷¹ The RVRN interviews victims of racist violence who approach civil society organizations providing legal, medical, social or other support services. Data is recorded through interviewing victims of racist violence using a common Racist Incident Record Form that was drafted and adopted by the members of the Network. So far three reports have been published by RVRN (one for the last three months of year 2011 and two annual reports for 2012 and 2013 respectively). See more in <http://goo.gl/7sNxLC>.

¹⁷² Records of racist attacks by RVRN cannot capture the full volume and intensity of racist attacks on the ground, since the recorded incidents concern only those where victims approached RVRN organizations-members of the Network operating in areas where the incidents occurred.

¹⁷³ In addition, at least two lethal attacks with racial motivation have been recorded by RVRN.

¹⁷⁴ In its 2013 annual report, the RVRN referred to 44 incidents of racially motivated police violence; 23 of them took place in detention facilities. In order to monitor and investigate allegations of racist-motivated violence conducted by state officials, the RVRN has urged Greek authorities to establish an effective independent response mechanism.

¹⁷⁵ Written interventions and public reports by RVRN highlighted poor state responses to racist violence, but also proposed recommendations to the Greek authorities, including legislative reforms, especially as regards measures to enhance reporting of hate crimes by victims and victim protection, as well as adoption of stricter penalties when crimes are committed with a racist motivation.

¹⁷⁶ The CoE Commissioner for Human Rights, FRA as well as NGOs such as Human Rights Watch.

¹⁷⁷ *Presidential Decree 132/2012* establishing Special Departments and Offices combating racist violence within the Hellenic Police.

¹⁷⁸ *Joint Ministerial Decision 30651 /2014*, Official Gazette B 1453/5.6.2014 on residence permits for humanitarian grounds.



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for crimes committed with racist motives, aims to improve the adequate investigation of racist motives in criminal proceedings.¹⁷⁹ Moreover, increased political engagement in the second half of 2013¹⁸⁰ has contributed towards a decrease in racist attacks, while there is a significant increase of racially motivated cases reaching the Greek courts as of late 2013 and in 2014.

Despite efforts and positive steps by the Greek authorities towards effective recording and prosecuting of hate crimes, persons of concern to UNHCR continue to experience racially motivated verbal attacks and physical abuse that remains unnoticed and therefore unaddressed. It remains to be seen whether recent measures will tackle past impunity, prevent racist attacks and have a real impact on the lives of persons of concern.

12. Conclusion

In light of the situation described above, UNHCR continues to advise Governments to refrain from returning asylum-seekers to Greece.

UNHCR is ready to continue working with the Greek authorities to address the ongoing challenges and encourages EU Member States and institutions to lend their support, including financial support, to ensure the sustainability of these efforts.

¹⁷⁹ L. 4285/2014.

¹⁸⁰ In September 2013, the murder of a 34-year-old hip-hop anti-fascist singer, by a group of Golden Dawn supporters, acted as a catalyst for a more engaged approach by Greek authorities towards Golden Dawn's unlawful activities.



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Administrative Detention

Detention imposed by an administrative body in the context of an administrative procedure following an individual assessment of necessity, proportionality and possible alternatives and subject to certain procedural and judicial guarantees.

Aliens' Directorate of Attica ("Petrou Ralli")

A Directorate of the Attika General Police dealing with aliens issues, including asylum-seekers in the old asylum procedure (backlog cases).

Appeals Authority

Administrative body at the Ministry of Public Order and Citizens' Protection established by Law 3907/2011. It is staffed by civil servants (rapporteurs and secretarial support staff) and headed by a Director reporting to the Minister of Public Order and Citizens' Protection. It is mandated to facilitate the work of the Appeals Committees which examines asylum cases on appeal.

Appeals Committees (new asylum procedure)

Three-member administrative bodies consisting of a chairperson (recommended by the National Commission for Human Rights) and two members (one recommended by the National Commission for Human Rights and one identified by UNHCR), examining appeals against first instance asylum decisions issued by the Asylum Service. The committees are established by Ministerial Decision and their work is facilitated by the Appeals Authority through its rapporteurs and secretarial support staff.

Appeals Committees (old asylum procedure) or Backlog Appeals Committees

Three-member administrative bodies consisting of a chairperson (who is a civil servant) and two members (one recommended by the National Commission for Human Rights and one identified by UNHCR), examining appeals against first instance asylum decisions issued by the police. The Appeals Committees receive secretarial support from police officers and the organisation of their daily work is supported by a coordinator appointed by the Minister of Public Order and Citizens' Protection.

Asylum Procedure (new)

Procedure followed for asylum applications registered by the Asylum Service on or after 7 June 2013.

Asylum Procedure (old)

Procedure followed for asylum applications registered by the police up to 6 June 2013. Cases finally examined under the 'old' asylum procedure may enter the 'new' asylum procedure in the form of subsequent asylum applications.

Asylum Service

Administrative body under the supervision of the Ministry of Public Order and Citizens' Protection established by Law 3907/2011. It is staffed by civil servants, headed by a Director reporting to the Minister of Public Order and Citizens' Protection and has a Central Service (in Athens) and Regional Asylum Services (which are the Regional Asylum Offices in locations defined in Law 3907/2011 and Mobile Units established as required on an ad hoc basis). The Asylum Service is mandated to deal with registering and processing asylum applications on first instance as of 7 June 2013.

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Backlog/Appeals Backlog

Operational term used by the Greek authorities to describe pending administrative appeals against first instance asylum decisions issued by the police. Such appeals are examined and decided by 'backlog' Appeals Committees (see relevant term).

Coastguard (Hellenic Coastguard)

Military / naval force, under the Minister of Shipping, Maritime Affairs and the Aegean mandated, inter alia, to perform search and rescue operations at sea as well as surveillance and control of the maritime borders.

Dodecanese Islands

A total of more than 160 islands of which the largest are Rhodes, Karpathos, Kos, Kalimnos, Astypalaia, Kasos, Telos, Symi, Leros, Nissiros, Patmos, Halki, Lepsi, Pserimos, and Kastelorizo.

Evros

One of the Regional Departments of the Region of Eastern Macedonia and Thrace. Is it also the name of a river (Bulgarian: Maritsa Turkish: Meric) which partly forms the border between Greece and Turkey GBulgaria and Greece and Turkey

Evros (north)

Part of the Regional Department of Evros from the municipality of Didymoteichon to the municipality of Orestiada.

Evros (south)

Part of the Regional Department of Evros from the municipality of Alexandroupolis to the municipality of Soufli, including the island of Samothraki.

First Reception

A set of procedures introduced by Law 3907/2011 and applied to all third country nationals who are apprehended at the border while entering Greek territory in an irregular manner. First reception is to be distinguished from reception of asylum-seekers or other reception measures for special groups (i.e. Unaccompanied or Separated Children). First reception measures may also be applied in the case of third country nationals arrested in the mainland for irregular stay if they are not in possession of documents proving their identity and nationality.

First Reception Centre

Established by Joint Ministerial Decision and mandated to carry out first reception procedures in its area of responsibility. Ministerial Decision No 7001/2/1454 of 26 January 2012 establishes detailed specifications and standards for internal organisation, infrastructure, space allocation and services offered at First Reception Centres. As of 30 September 2014, there was one First Reception Centre functioning in Fylakio, Evros while the legal framework for the functioning of a second one (in Moria, Lesvos) has been adopted although it is not yet operational. Third country nationals hosted in First Reception Centres are in a status of 'restriction of liberty' (see relevant term further below).

First Reception Service

An administrative body at the Ministry of Public Order and Citizens' Protection established by Law 3907/2011, mandated to manage the reception of third country nationals who enter Greek territory 'in an irregular manner' and to ensure further submission to the first reception procedures. It is staffed by civil servants and headed by a Director reporting to the Minister of Public Order and Citizens' Protection. The First Reception Service consists of a Central Service located in Athens and Regional First Reception Services (which are First Reception Centres, Mobile or Emergency Units). In future the First



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Reception Service shall manage reception centres for asylum-seekers, vulnerable groups and persons in assisted voluntary return procedures).

Fylakio

A small village situated near the town of Orestiada. It hosts a First Reception Centre and an adjacent 'pre-removal centre' run by the police.

Greek Action Plan on Migration Management and Asylum Reform

An action plan drafted and adopted by the Minister of Public Order and Citizens' Protection in the course of 2010 setting qualitative and quantitative targets and describing concrete measures to be taken by the Greek authorities in the field of asylum and migration management, including legislative amendments and establishment of new administrative bodies.

Greek-Turkish land borders

Located in the Regional Department of Evros and stretching along 200 km, of which approx. 190 km are formed by the Evros river. The non-riverine border between Greece and Turkey stretches for approx. 10 km and is situated between the villages of Kastanies and Nea Vissa. In December 2012, Greek authorities completed the construction of a 4m tall fence with barbed wire to prevent unauthorised persons from crossing this part of the border.

Identification centre

Operational (rather than legal) term used by Greek authorities for police-run administrative detention facilities for third country nationals who are subject to first reception procedures implemented by the police upon apprehension at the borders (as opposed to similar procedures implemented by First Reception Centres where they are operational). Such 'identification centres' exist in Lesbos, Samos and Chios but their set-up, management and operating procedures/standards fall short of those established for First Reception Centres.

Islands of North-eastern Aegean

The largest islands in this region are: Lemnos, Lesbos, Samos, Chios, Oinousses, Agios Efstratios, Psara, Ikaria, Fournoi.

Mobile Unit (Asylum Service)

It is a Regional Asylum Service established as per ad hoc needs of the Asylum Service. As of 30 September 2014 four Mobile Units of the Asylum Service were operational: in Amygdaleza police detention facility, in Thessaloniki, in Patra and in Xanthi police detention facilities.

Mobile Unit (First Reception Service)

Part of the Regional First Reception Service. As of 30 September 2014, there were one Mobile Unit was operational on Lesbos and one on Samos.

National Commission for Human Rights

An advisory body under the Prime Minister specialised in human rights issues and established in accordance with the Paris Principles.

Orestiada

Municipality in the north of the Evros Regional Department.

Police (Hellenic Police)

Law enforcement body under the Minister of Public Order and Citizens' Protection assigned inter alia with the responsibility for preventing and deterring irregular entry into the Greek territory and the imple-



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mentation of legislation with regard to the entry, exit and residence of aliens in Greece including border protection (without prejudice to the competence of the Hellenic Coastguard). The internal structure and organisation of the Hellenic Police (hierarchy and supervision lines, training of its staff etc.) are in many respects similar to that of the military. Although civilian administrative bodies were established to deal with the asylum procedure and first reception, police competence over asylum and first reception continues in parallel (i.e. clearance of the backlog under the old asylum procedure, possibility to issue detention orders for asylum-seekers, implementation of first reception measures in locations where the First Reception Service is not operational).

Pre-removal centre

Operational (rather than legal) term used by the Greek authorities in order to refer to police-run administrative detention facilities for third country nationals awaiting the execution of a pending deportation order /return decision. Such pre-removal centres exist in Fylakio (adjacent to the only currently operational First Reception Centre), Amygdaleza (Attika region), Korinthos, Paranesti and Xanthi. The Asylum Service has established Mobile Units in some of those pre-removal centres.

Regional Asylum Office

It is mandated to register and process asylum applications at the first instance level. As of 30 September 2014, there were Regional Asylum Offices in Athens (with territorial competence for all Greece except those locations falling under the competence of already functioning Regional Asylum Offices), Rhodes (with territorial competence over Rhodes island as well as the islands of Symi, Halki, Megisti and Telos), Lesbos (with territorial competence over the islands of Lesbos, Lemnos and Agios Eftraios), Alexandroupolis (with territorial competence in South Evros) and Orestiada (with territorial competence in North Evros).

Restriction of liberty

This is a verbatim translation in English of the term used in Law 3907/2011 to describe the legal status of third country nationals staying in First Reception Centres for up to 25 calendar days awaiting the completion of first reception procedures without the possibility of leaving the premises unless they are granted special permission by the Head of the First Reception Centre.

Second line reception

Reception procedures other than first reception (i.e. reception of asylum seekers, UASC and other vulnerable individuals).

Vulnerable groups

Law 3907/2011 defines the following groups of vulnerable persons (for first reception purposes): 'un-accompanied minors', 'persons with disabilities or suffering from incurable disease', 'the elderly', 'women who are pregnant or just after labour', 'single-parent families with minor children', 'victims of torture, rape or other forms of psychological, physical or sexual violence or exploitation, and 'victims of trafficking'.



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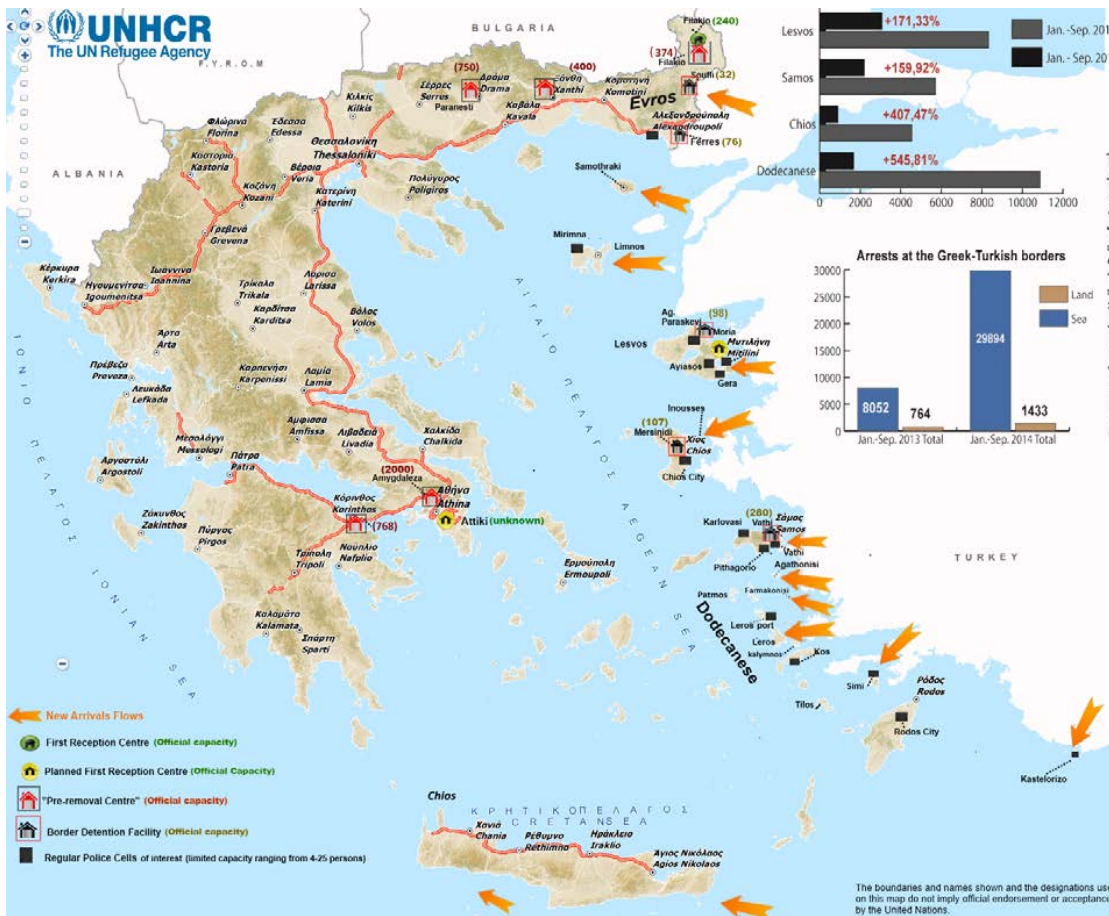
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