

Syrians in Greece: Protection Considerations and UNHCR Recommendations

Access to territory and safety

In recent months the numbers of Syrian refugees arriving in Greece by sea (from the Turkish coast to the Greek islands in the North-Eastern Aegean Sea and the Dodecanese) have been increasing. There has been a significant shift of arrivals from the land borders between Greece and Turkey to the sea borders since August 2012, which is largely attributed to increased border control measures in the Evros region, which used to be a main entry point for migrants and refugees, arriving in mixed migratory movements. According to official statistics, in the first three months of 2013 there were 1,623 arrests of persons arriving in Greece in an irregular manner in Lesbos, Samos, Chios and the Dodecanese, compared to 118 arrests in the same period of 2012 (the number of arrests in the Evros region, for the same period, was 206 in 2013 compared to 7,646 in 2012). Particularly in Lesbos, the increase in arrivals by sea was significant, with 995 persons in the period January to March 2013 compared to 71 in the same period of 2012. Among those arrested for irregular entry, the second largest nationality group are Syrians.

Crossing by sea to Greece is an extremely perilous undertaking and has been marked by human tragedy, most recently the deaths of 21 Afghans (in mid-December 2012) and 7 Syrians (in mid-March 2013) off the coast of Lesbos.

According to official statements, no Syrian national has been deported by Greece in the course of 2012. According to information by the Hellenic Police, in the first eleven months of 2012, 44 Syrians returned voluntarily to countries neighbouring Syria. Some testimonies of Syrians received by UNHCR, make reference to informal forced returns (push-backs) or attempted informal returns to Turkey. There have been similar reports of personal testimonies by human rights organizations.

UNHCR has expressed its availability to support the Greek authorities, within the limits of its capacity, in the implementation of its contingency plan 'IONI', should large-scale arrivals in Greece of persons fleeing Syria occur.

UNHCR Recommendations

- UNHCR characterises the flight of civilians from Syria as a refugee movement and recommends to states to allow Syrians or those fleeing Syria who are in need of international protection, access to their territory.¹ Border control measures should be applied in a manner, in which persons fleeing Syria can find access to safety in Greece.

¹ International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update I (December 2012)

http://www.unhcr.gr/fileadmin/Greece/News/2012/Syria/Syria_emergency/Syria.pdf

- UNHCR recommends that States suspend the forcible return of Syrian nationals or those habitually residing in Syria until such time as the security and human rights situation in the country has improved sufficiently to permit safe, dignified and sustainable return. This recommendation also includes failed asylum seekers. Assurances by Greece, that no forcible returns to Syria take place, are in line with UNHCR's recommendation.
- UNHCR calls upon States to explore concrete and meaningful ways of expressing solidarity, notably with a view to sharing the burden and protection responsibilities currently assumed by the countries neighbouring Syria.
- UNHCR encourages States, in particular Member States of the European Union, to facilitate family reunification of Syrians. Greek authorities should make every possible effort to facilitate the reunification of Syrians either with their family members in Greece or in other EU Member States.

First reception, administrative detention, expulsion orders and return decisions

Upon arrival in Greece, refugees from Syria, like other third country nationals arriving in an irregular manner, face a number of serious problems, given the continued lack of adequate first reception mechanisms at entry points, to address basic needs, to ensure appropriate identification and the provision of information in a language they understand, in order to enable further procedures and treatment according to their needs. Instead, new arrivals are regularly arrested and detained in inappropriate conditions, particularly on islands of the North Eastern Aegean Sea and the Dodecanese, where detention facilities are overcrowded and detention conditions fall short of applicable international human rights standards.

Syrians (as other third country nationals), were issued with an expulsion and detention order, upon arrest following irregular entry and, similarly, a return decision and detention order, in case of arrest for irregular stay. Until recently, administrative detention for the purpose of removal was ordered in cases of irregular entry and irregular stay in a systematic manner for a prolonged period of time, irrespective of the fact that returns were impossible to implement, including for Syrians. Furthermore, administrative detention was ordered indiscriminately without taking into consideration the circumstances of each individual case and without sufficient and specific reasoning, as required by international and national legislation for every measure of deprivation of liberty. When released from detention, Syrians were issued with a Police Note instructing them to leave Greece (regularly with a deadline ranging from 7 to 30 days), following which they could be subject to renewed arrest and detention. According to official statistics, 7,927 arrests of Syrian nationals for irregular entry or stay in Greece took place during 2012.

UNHCR has called on the Greek authorities for a change in the practice concerning the systematic issuance of detention and expulsion orders or return decisions, particularly in the case of Syrians. Very recently, the Ministry of Public Order and Citizen Protection has informed UNHCR of the issuance of a circular order by the Hellenic Police, suspending the execution of administrative orders for the detention, expulsion and the return of Syrians, not in possession of valid documents, and ordering the release of Syrians already in detention. UNHCR acknowledges this development as a very positive step and looks forward to the implementation of the circular order by the competent police authorities across Greece.

UNHCR Recommendations

- UNHCR has highlighted to States the need to ensure conditions for the reception of persons fleeing Syria which respect human dignity and guarantee treatment in accordance with minimum humanitarian standards. The establishment of First Reception Centres (KEPY) at main points of arrivals as foreseen in Law 3907/2011 (or the deployment of roving teams where the establishment of a KEPY is not immediately feasible), would constitute a decisive step in this direction to the extent that new arrivals from Syria (as well as other groups of refugees and migrants) could benefit from appropriate treatment to ensure that their immediate basic needs are addressed and fair and efficient nationality identification and screening procedures are conducted.
- Taking into account the current situation in Syria and the fact that Syrians are not removed from Greece, UNHCR hopes that the circular order will be implemented in a manner in which decisions suspending the execution of expulsion orders or return decisions are issued without delay so as to avoid administrative detention of Syrians, even temporarily. Nationality identification should therefore be undertaken in the most efficient way possible.

Access to the asylum procedure and to protection

The majority of those arriving from Syria do not apply for international protection in Greece for various reasons, including a lack of trust in the problematic asylum system or their ties to Syrian communities in other EU Member States. There have also been reports of Syrians who have repeatedly attempted to register their asylum application without success, due to the extremely limited access, particularly at the Attika Aliens Directorate, to the asylum procedure, which continues to be managed by the police until the new Asylum Service, established by Law 3907/2011, starts operating.

For Syrians who have been able to register their asylum application, the procedure for the examination of their asylum-claims by the Hellenic Police does not result in recognition as a refugee or the granting of subsidiary protection. Of the 152 asylum applications by Syrian nationals, examined during 2012 in first instance, for which decisions were issued, 150 were rejected and in only 2 cases was refugee status or subsidiary protection granted.

The situation is significantly different at the second instance of the asylum-procedure, where appeals committees have not rejected a single asylum-application by a Syrian national on appeal in their two and a half years of operation.

UNHCR Recommendations

- UNHCR is of the view that many of the Syrians who seek international protection are likely to fulfil the requirements of the refugee definition in the 1951 Convention relating to the Status of Refugees.² Where persons are found not to meet the 1951 Convention criteria, criteria for complementary forms of protection are likely to apply.

² See International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update I (December 2012), Footnote 26: The methods of warfare observed in Syria (...) together with consistent and reliable reports of human rights violations committed by all parties to the conflict, indicate that substantial numbers of Syrian civilians are likely to have fled Syria because of a well-founded fear based on a real or imputed political opinion. In addition, Syria's minority groups, such as Armenian Orthodox and other Christians, Druze communities, Palestinians and Alawites (...) may have a well-founded fear of persecution for reason of race or nationality. Other Convention grounds may however also be relevant, depending on the circumstances of the individual case.

- In the case of Greece, UNHCR wishes to reiterate the need for the competent authorities to take immediate measures to enable unhindered access to the asylum procedure for all those wishing to apply for international protection, including Syrians or those arriving from Syria.
- To identify those in need of international protection, it is necessary to improve significantly the quality of the first instance asylum procedure which currently remains under the responsibility of the police. In the particular case of Syrians, a recognition rate of close to zero percent in first instance is in stark contrast to the protection needs of persons fleeing Syria.
- In order to ensure some form of legal stay for refugees from Syria who arrive in Greece but do not apply for asylum, UNHCR proposes the introduction, by virtue of legislative regulation, of a national temporary protection regime accompanied by a corresponding level of rights. This status may be considered and granted, provided certain requirements are met, more generally in cases of arrivals of significant numbers of refugees and for as long as the situation in their countries of origin does not allow for their return.

In conclusion,

UNHCR calls upon the Greek authorities

- To ensure that refugees from Syria have access to Greek territory and safety;
- Not to return to Syria or its neighbouring countries, Syrian nationals or those habitually residing in Syria, until such time as the security and human rights situation in the country has improved sufficiently;
- To take necessary measures allowing for unhindered access of refugees from Syria to the asylum procedure;
- Afford protection to asylum seekers from Syria in accordance with the provisions of the 1951 Geneva Convention or other form of complementary protection (subsidiary protection).
- Not to order the administrative measure of detention for refugees from Syria and suspend the expulsion orders or return decisions making use of relevant provisions of legislation in force

UNHCR Greece
17 April 2013