



**PILOT PROJECT ON MONITORING THE ASYLUM PROCEDURE
(SEPTEMBER 2016 – MARCH 2017)**

MID-TERM BULLETIN

DECEMBER 2016

A. VISITS *IN SITU*/ MEETINGS

REFUGEE CAMPS

Souda (Chios)

Sfagia Region (Rhodes)

COMPETENT AUTHORITIES

Asylum Service

Central Asylum Service: National Dublin Unit

Regional Asylum Offices/ Asylum Units of:

Attica (regular visits)

Kos

Rhodes

Lesvos

Hellenic Police

Kos Police Station

Police Directorate of Lesvos

Rhodes Municipality

Director of Refugee Camp at Sfagia Region

INSTITUTIONAL ACTORS

United Nations High Commissioner for Refugees

Athens Central Office

Officer monitoring the implementation of Dublin III Regulation.

Coordinators of the program for legal aid at the 2nd instance procedure

Regional refugee protection officers

Kos

Rhodes

Lesvos

ORGANISATIONS/SOLIDARITY GROUPS

Greek Council for Refugees – Rhodes

Proasyl (Chios – Lesvos)

Danish Refugee Council (Lesvos)

HIAS (Lesvos)

Drop in the Ocean (Chios)

Kos Solidarity

Leros Solidarity Network

Pikpa – Village of All Together (Lesvos)

B. FINDINGS

GENERAL FINDINGS

Limited access to the asylum procedure

Long delays in processing asylum applications

Shortcomings regarding the identification of vulnerable asylum seekers and insufficient consideration of their needs

Insufficient provision of information to both asylum seekers and lawyers by the competent asylum offices

Insufficient provision of free legal assistance

Shortcomings regarding the 1st instance procedure on the mainland and problematic 1st instance procedure on the islands

Inadequate second instance examination procedure-legally debatable establishment of Independent Appeals Committees

SPECIFIC FINDINGS

Regarding the situation in the mainland

Extremely limited possibility of lodging an asylum application at the Regional Asylum Offices in person – applicants' referral to the problematic process through Skype

Delays lasting several months until the full registration and, consequently, delays until the examination of asylum/ family reunification/ relocation applications of refugees who stay in the camps as a result of the authorities' decision to follow the pre-registration procedure

Insufficient provision of services to asylum seekers and lawyers, especially in cases of family reunification and relocation

Lack of free legal assistance at 1st instance

Shortcomings in quality and completeness are consistently identified in some 1st instance interviews and decisions

Regarding the situation on the islands due to the implementation of the EU-Turkey Statement

Delays of up to 7 months in the registration of asylum claims

Arbitrary prioritization of asylum cases based on nationality, without taking into consideration the date the asylum seekers expressed their will to apply and, in many cases, their vulnerability

Huge information deficit, aggravated by the continuous changes of the procedures followed by the authorities

Lack of free legal assistance at first instance

Highly problematic provision of services to both the asylum seekers and lawyers

Asylum seekers legally qualifying as vulnerable are not considered as such

Issues of competence, accountability and completeness at 1st instance procedure arise due to the involvement of EASO staff in the interviews as well as in the decision-making process (case pending before the court)

Adoption of identical decisions that reject the applications of many asylum seekers from Syria as inadmissible on the grounds of considering Turkey as a first country of asylum (case pending before the court)

Imposition of a mandatory stay at the islands to the asylum seekers despite the fact that not only the reception conditions are incompatible with the relevant legal framework but also the minimum safety standards are not observed

Regarding the second instance examination of the asylum applications

In most cases the procedure is based on the elements from the case file, without the presence of the appellant, which poses risks of inadequate examination of the appeals, particularly in the light of the aforementioned problems at 1st instance.

Disputed legality of the Independent Appeals Committees which were established by Law 4399/2016 (case pending before the court)

There was a significant number of cases where the examination of the appeals was suddenly rescheduled (especially by the Appeals Committees established by Presidential Decree 114/2010). This practice makes it very difficult for the appellants to submit evidence as well as a memo.

The state system of free legal aid is still not in place (currently it is being partly substituted by a UNHCR project)

C. LATEST DEVELOPMENTS

We would like to note the following alarming developments concerning:

1. The intention of the Greek authorities to impose administrative detention to those submitted to the border procedures, whose applications has been rejected at 1st instance and 2nd instance examination is pending¹
2. The intention of the European Commission to resume returns of asylum seekers to Greece under Dublin III Regulation despite the severe problems being observed to both asylum procedure and-reception conditions²
3. The intention of Greek and the European authorities to readmit to Turkey even vulnerable people and those qualifying for family reunification³

¹ EFIMERIDA TON SYNTAKTON: Open letter of Mouzalas to the E.U. concerning the transport of immigrants (in Greek) (08/12/2016) (<http://www.efsyn.gr/arthro/epistoli-moyzala-stin-ee-gia-ti-metafora-metanaston>)

²European Commission- Fact Sheet “Questions & Answers: Recommendation on the conditions for resuming Dublin transfers of asylum seekers to Greece” (Brussels, 8/12/2016) (http://europa.eu/rapid/press-release_MEMO-16-4253_en.htm)

³ Maarten Verwey, EU coordinator for the implementation of the EU-Turkey statement “Joint action plan on the implementation of the EU-Turkey Statement” (December 2016) (https://ec.europa.eu/priorities/sites/beta-political/files/december2016-action-plan-migration-crisis-management_en.pdf)

D. REPORTS-PRESS RELEASES-ARTICLES

REPORTS

05.12.2016 EUROPEAN COUNCIL FOR REFUGEES – COUNCILS FOR REFUGEES OF GREECE, ITALY AND THE NETHERLANDS: *Study of the EU hotspot approach reveals serious challenges in Greece and Italy*

<http://www.ecre.org/study-of-eu-hotspot-approach-reveals-serious-challenges-in-greece-and-italy/>

October 2016 A JOINT POLICY BRIEF ON THE SITUATION FOR DISPLACED PERSONS IN GREECE: *More than Six Months Stranded – What Now?*

<http://www.statewatch.org/news/2016/oct/greece-More-than-Six-Months-Stranded-What-Now.pdf>

PRESS RELEASES

15.09.2016 GROUP OF LAWYERS – PRESS RELEASE: APPLICATION FOR ANNULMENT OF THE ESTABLISHMENT ACT OF THE INDEPENDENT APPEALS COMMITTEES (in Greek)

<http://omadadikigorwn.blogspot.gr/2016/09/blog-post.html#more>

05.11.2016 HELLENIC LEAGUE FOR HUMAN RIGHTS – PRESS RELEASE: *The Republic of Turkey is in a cast. What are we doing about it?*

http://hlhr.gr/images/site/1004/1239_dt-toyrkia.pdf

25.11.2016 DOCTORS OF THE WORLD – PRESS RELEASE *Decent and safe living conditions for people are beyond and above any EU-Turkey Agreement*

http://mdmgreece.gr/app/uploads/2016/11/Press-Release_Descent-and-safe-living-conditions-for-people-are-beyond-and-above-any-EU-Turkey-Agreement.pdf

ARTICLES

22.10.2016 EFIMERIDA TON SYNTAKTON: *The timeline of an illegal deportation* (in greek)

<http://www.efsyn.gr/arthro/hroniko-mias-paranomias-apelasis>

30.10.2016 EFIMERIDA TON SYNTAKTON: *How can we overcome the dead-end situation on the refugee issue in greece?*

<http://www.statewatch.org/news/2016/nov/greece-How-can-we-overcome-the-dead-end-situation-on-the-refugee-issue.pdf>

30.11.2016 NEWS247 HOT SPOT OF CHIOS: *A narrative of the 'black hole' in the Aegean* (in Greek)

<http://m.news247.gr/eidiseis/reportaz/apostoli-sti-xio/hot-spot-xioy-odoiporiko-sth-maurh-trupa-toy-aigaioy.4403360.html>

20.11.2016 SKAI-STORIES: Refugee issue (in Greek)

<http://www.skai.gr/player/tv/?mmid=281763>



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