

# Input by civil society to the EASO Annual Report 2019

Fields marked with \* are mandatory.

The production of EASO's *2019 Annual Report on the Situation of Asylum in the European Union* is currently underway. The yearly [annual report](#) series present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organizations, the UNHCR and researchers. To this end, we invite you to submit information on developments in asylum law, policy or practice in 2019 (and early 2020) by topic as presented in the online survey.

Please note that the EASO Annual Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections. It is preferred to provide your submission in bullet points to facilitate drafting.

All submissions are publicly accessible. For transparency, 2019 contributions will be published on the EASO webpage. Contributions to the 2018 annual report by civil society organisations can be accessed [here](#). All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO annual report is subject to terms of reference and volume limitations. Submissions may be edited for length and clarity or may not be included in the final report. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the annual report.

Please complete the online survey and submit your contribution to the 2019 annual report by **Thursday, 12 March 2020**.

## [Instructions](#)

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Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, please only include the following type of information:

- New developments and improvements in 2019 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2019.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

## Contributions by topic

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### **1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

It is important to mention that especially in borders of Evros there is a shadow number composed of unaccompanied minors and also of the general population. The number cannot be counted because those asylum seekers cannot be identified and neither by an NGO nor by police or a State agency.

Regarding the access to the asylum procedure in the mainland and especially in the RAO of Attica an average time for the full registration of the asylum application of an unaccompanied minor is 5 months. In the RAO of Piraeus a Bangladeshi national unaccompanied minor have to wait for at least 6 months after his asylum claim has been send from n NGO to the competent RAO.

Furthermore, from the moment that an NGO sends a request to the responsible RAO until the day of the full registration no official document which proves the submission for the request for international protection is issued from the Asylum Service. In that case all there is a violation regarding all the rights of the child. Also at the same time there is a high possibility for the minors to be detained and to pass through age assessment without any support and protection.

In the islands it has been observed that many applicants do not receive their applicant's cards even if they have finished with their full registration of their asylum request.

Moreover it is important to mention the new law 4636/2019 for international protection which have been implemented since 1.1.2020, predicts many difficulties and obstacles in the procedure of the asylum on most of the articles. On that law in the article 75 paragraph 7 it is mentioned that it is possible for unaccompanied minors above 15 years old to be examined even with fast track procedures if they are not vulnerable.

In general the new asylum legal framework predicts much more fast procedures on the asylum claim examination, detention of the applicants, limitation of material host conditions, etc.

Furtheromere, in the hotspots and especially in Lesvos, there the “low profile detention”, which is ordered with a view to expulsion, and the only return proceedings taking place on Lesvos are the readmission proceedings under the EUTurkey Statement, the administrative detention of vulnerable applicants under this scheme does not serve any legitimate purpose. More information available in HIAS report Locked up without rights

([https://www.hias.org/sites/default/files/report\\_on\\_low\\_profile\\_detention\\_in\\_greece\\_hias\\_dec\\_2019.pdf](https://www.hias.org/sites/default/files/report_on_low_profile_detention_in_greece_hias_dec_2019.pdf)).

Finally in the islands the role of Frontex is very controversial and the fact that the Frontex staff is increasing makes the situation worse.

## **2. Access to information and legal assistance (including counselling and representation)**

We have observed that a huge gap existing regarding the access to information and legal assistance. From our work on the field we have observed that many minors we support who have passed from a hotspot from a Greek Island, have not been informed regarding their rights and the asylum procedure properly or sometimes they have not been informed not at all.

On the last year the legal support from NGOs have been decreased. Furthermore the lawyers that should be provided by the State on the second grade cannot cover at all the appeals which have been submitting before the appeals authority. The remaining appeals in the Appeals Authority by the end of 2019 are 14.677 with a backlog of 3.800 since the previous Appeals Committees of 2015-2016.

It has been observed that Asylum Service is referring the applicants to NGO in order to receive legal support in their appeal.

## **3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

On 24th of November 28 applicants have had their asylum claim rejected without having an interview before, due to the absence of competent interpreter. More information : <https://thepressproject.gr/aneft-proigoumenou-aporripsi-28-etiseon-asylou-choris-syntefxi-logo-ellipsis-dierminias/> - [https://www.europarl.europa.eu/doceo/document/P-9-2019-004017\\_EN.html](https://www.europarl.europa.eu/doceo/document/P-9-2019-004017_EN.html)

Moreover there is a big need in Bengali language, because the asylum requests from applicant from Bangladesh are very high.

In general interpreters speaking not very common languages are not available at all.

## **4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

As regards the Dublin we have noticed that many EU Member States are trying to put more obstacles in the family reunification procedure. The request for translation of all the documents

More information regarding Dublin Procedures especially for unaccompanied minors available in the report of Praksis and safe passage by the title : "Unaccompanied children in Greece in the Dublin family reunification process", available (<https://www.safeassage.org.uk/news/2019/11/5/new-report-lone-child-refugees-in-greece-are-waiting-16-months-to-reunite-with-family-68zdg>)

## **5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

Furthermore, in the hotspots and especially in Lesbos, there the “low profile detention”, which is ordered with a view to expulsion, and the only return proceedings taking place on Lesbos are the readmission proceedings under the EUTurkey Statement, the administrative detention of vulnerable applicants under this scheme

does not serve any legitimate purpose. More information available in HIAS report Locked up without rights ([https://www.hias.org/sites/default/files/report\\_on\\_low\\_profile\\_detention\\_in\\_greece\\_hias\\_dec\\_2019.pdf](https://www.hias.org/sites/default/files/report_on_low_profile_detention_in_greece_hias_dec_2019.pdf)).

Moreover the new law 4636/2019 for international protection predicts extremely fast track procedures in the border procedures in the examination of the asylum claim.

Finally, with the Government's legislative act of 2nd of March 2020 a suspension of the asylum claim registration for one month has been decided, a decision against international law and agreements.

## **6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)**

The reception centers especially in the islands cannot cover the needs at all. According to UNHCR data in the islands more than 42.000 applicants are living. Many reports present the situation in the islands MSF reports denounce the State's approach. According to the facts in the islands hygiene conditions are extremely unacceptable, for example one toilet is available for 100 persons.

Furthermore, as regards accommodation and housing, especially about the unaccompanied minors (UAMS) according to the statistics that National Center for Social Solidarity (EKKA) available here : ([http://www.ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91\\_2020/EKKA%20Dashboard%2015-2-2020.pdf](http://www.ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91_2020/EKKA%20Dashboard%2015-2-2020.pdf)) the number of homeless or living in insecure conditions UAMS in Greece is 1.092, Moreover 1790 children in RICs, 223 children in Protective custody, 143 children in Open temporary accommodation facilities. From the above it is obvious that the living conditions of the UAMS in Greece are not acceptable.

Regarding the reception conditions in the Greek hotspots see the Council of Europe statement after its visit (<https://www.coe.int/en/web/commissioner/-/greece-must-urgently-transfer-asylum-seekers-from-the-aegean-islands-and-improve-living-conditions-in-reception-facilities>).

## **7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**

Greece have been condemned for the detention of UAMS in police centers and in detention center several times during 2019 also by interim measures from the European Court of Human Rights. Especially on 28 February, the European Court of Human Rights delivered its judgment in the case H.A. and others v. Greece (application no. 19951/16), regarding the detention of unaccompanied minors who were apprehended at Greece's borders and were placed under “protective custody” in police stations in Northern Greece before being transferred to the Diavata centre.

The Court found that the detention conditions to which the applicants had been subjected in the police stations represented degrading treatment and could have caused them to feel isolated from the outside world, with potentially negative consequences for their physical and moral well-being. The Court also held that the living conditions in the Diavata centre, which had a safe zone for unaccompanied minors, had not

exceeded the threshold of seriousness required to engage Article 3. It further took the view that the applicants had not had an effective remedy.

The Court also found that the applicants' placement in "protective custody" was an unlawful measure of detention under Article 5 (1) f. The lack of time limits for "protective custody" can lead to arbitrary situations of prolonged child detention in violation of domestic law and, in particular, of Article 3 of the Convention on the Rights of the Child. Moreover, the authorities had not taken into account the applicants' particular vulnerability as unaccompanied minors and not considered whether the measure was one of last resort.

The applicants had spent several weeks in police stations before the National Service of Social Solidarity ("EKKA") recommended their placement in reception centres for unaccompanied minors. The public prosecutor at the Criminal Court, who was their statutory guardian, had not put them in contact with a lawyer and had not lodged an appeal on their behalf for the purpose of discontinuing their detention in the police stations in order to speed up their transfer to the appropriate facilities. Consequently, there has been a violation of Article 5 (4) of the Convention. In this vein, the Court emphasised that, even if they had had access to a review procedure, the fact that they did not have an official detainee status would have still raised significant practical obstacles regarding their possibility to challenge their detention before administrative courts.

The case H.A. and others v. Greece is available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%2201-193610%22%5D%7D>.

Furthermore in the last year alone, the ECtHR condemned Greece by interim measures for the so called "protective custody", though detention of UAMS in successive judgments delivered by the Court. 7 cases have been brought to the ECtHR by NGOs :

<https://www.gcr.gr/en/news/press-releases-announcements/item/1352-the-european-court-of-human-rights-provides-interim-measures-to-unaccompanied-minors-living-in-the-ric-and-the-jungle-of-samos-island>

<https://www.gcr.gr/en/news/press-releases-announcements/item/1069-the-european-court-of-human-rights-grants-interim-measures-in-favour-of-two-detained-unaccompanied-girls>

<http://www.arsis.gr/en/press-release-the-echr-grants-interim-measures-putting-an-end-to-the-detention-of-unaccompanied-minors-in-police-stations/>

<https://www.equal-rights.org/greece> (4 cases)

report of CAT after the visit to Greece : [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GRC/CAT\\_C\\_GRC\\_CO\\_7\\_35736\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GRC/CAT_C_GRC_CO_7_35736_E.pdf)

<https://www.asylumineurope.org/reports/country/greece/detention-asylum-seekers/legal-framework-detention/detention-vulnerable>

## **8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)**

At the field of UAMS it has been observed that there are cases where UAMS undergo the first instance procedure without guardian or legal representative.

## 9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)

At the second instance there is only written procedure with no hearings. The State's legal aid registry is not enough to support the needs.

By decision of 8th October 2019 the total number of lawyers is set at 38 throughout Greece (Decision 23953 /2019 of the Asylum Service.). It is evident, that this limited number of lawyers cannot cover the needs of the thousands asylum applications currently pending on appeal. (AIDA Report 2019, page. 49: "A total of 15,355 appeals were lodged to the Independent Appeals Committees in 2018. A total of 13,755 appeals were pending at the end of the year, of which 10,061 appeals had not been examined, while another 3,694 had been examined but the issuance of the decision was pending". information provided by the Appeals Authority, 6 March 2019.)

The following additional problems further aggravate the system reducing the quality of the services provided and undermining applicants' right to an effective remedy :

- o The system is subjected to severe financial restrictions which make it unattractive for lawyers due to the reduced fees.
- o It has been reported that applicants may not always be informed of their right to require legal aid at second instance and there is no official document in the file for proving that an applicant has been offered legal aid and refused it. Consequently, there is a risk of arbitrary deprivation of legal aid since the refusal is not based on an administrative decision which can be further appealed. Thus, an applicant may be de facto deprived of legal assistance and representation and not be able to cannot prove this allegation, especially at the stage of judicial review of a negative decision. Consequently, there is a risk of violation of the right to an effective remedy which can lead to refoulement.
- o Another factor to be taken under consideration is the extremely limited time for lawyers to prepare the case appropriately in view of the increased workload on the one hand and the strict deadlines on the other hand, especially in border procedures and in complex cases. In addition, the provision of 3 hours of interpretation per case foreseen by the legislation may not be adequate in order to ensure proper cooperation with the applicant and prepare a complex case.
- o The right to legal representation at second instance will be severely undermined after the entry into force of the new Greek law on international protection since the new system brings additional requirements such as the provision of specific type of authorization for the appointment of a lawyer and the submission of a (legal) document with clear and specific reasons for appealing the decision; if the above formalities are not covered, then the appeal will be automatically rejected as inadmissible 31 . Moreover, the inability of the lawyer to be present at the hearing due to personal or professional reasons may not be a reason for postponement of the hearing. These rules in combination with the tight deadlines and formalities for lodging an appeal are expected to increase the difficulties in legal representation and the effective examination of cases at second instance.

These obstacles create further inconsistencies with the requirements of an effective remedy and the right to be heard which according to CJEU "forms an integral part of the rights of the defence, the observance of which constitutes a general principle of EU law (...) 27 ". In addition, national rules and restrictions which make a right excessively difficult or impossible to exercise are contrary to the principle of effectiveness of rights and, consequently, they are in breach of EU law 28 .

## **10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)**

COI information is available through ecoinet, UNCHR and EASO's publications along with reports of Amnesty International.

## **11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)**

Regarding the situation of Unaccompanied minors (UAMS) in Greece there is the full report on 2018, finished on 2019 from the Ombudsman of the Child available only in Greek (<https://www.synigoros.gr/resources/docs/ee2018-kdp-dikaion-paid-pou-metakin.pdf>).

There is a "shadow" number of UAMS, as we characterize children who pass through the borders of Northern Greece, mainly by river Evros and they do not identified by any authority. So those children remain unprotected until they will head to an NGO for support, so they are exposed to any kind of exploitation.

Furthermore there is no provision for information regarding the asylum procedure and their rights based on the CRC.

Fostering of UAMS is still a great issue since the implementation of law 4538 for fostering and adoption is problematic;

It is important to mention the new law 4636/2019 for international protection which have been implemented since 1.1.2020, is predicting in the article 75 paragraph 7 that it is possible for unaccompanied minors above 15 years old to be examined with fast track procedures if they are not vulnerable.

Since July 2018 the law 4554/2018 has been granted for the guardianship of UAMS in Greece, although with several postponements the implementation has been postponed for the 1.3.2020 under the Ministry of Labour and the National Service of Social Solidarity ("EKKA"). Unfortunately, still there are no guardians from the State, the alternative guardianship system run by an NGO had finished on 31.12.2020 due to lack of funding and at the moment there is no solution. So according to the presidential decree 220/2007 article 19 paragraph 1 the public prosecutor acts as temporary guardian to the UAMS who reside to his/her area.

As a consequence many UAMS are losing their right to registration and asylum claim and right to family reunification under Dublin Regulation.

The age assessment procedure it is still taking place mostly by a police escort to the hospital through an X-ray of the wrist.

## **12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**



As regards accommodation and housing, especially about the unaccompanied minors (UAMS) according to the statistics that National Center for Social Solidarity (EKKA) available here : ([http://www.ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91\\_2020/EKKA%20Dashboard%2015-2-2020.pdf](http://www.ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91_2020/EKKA%20Dashboard%2015-2-2020.pdf)) the number of homeless or living in insecure conditions UAMS in Greece is 1.092, Moreover 1790 children in RICs, 223 children in Protective custody, 143 children in Open temporary accommodation facilities. From the above it is obvious that the living conditions of the UAMS in Greece are not acceptable.

About social security, assistance and healthcare of UAMS it should be noted that since 11th of July the Ministry of Labour has stopped the issuing of the the social security number (AMKA) <https://www.iefimerida.gr/politiki/stop-broytsi-stin-apodosi-amka-se-xenoys-ypikoos>, Also before there was a continuous strike by the employees working in the public offices - centers which provide services to civilians (KEP), so the AMKA has not been issued.

Also in 31.1.2020, the Ministry of Labour issued the new regulation for social insurance, where it predicts a temporary social insurance number (PAAYPA), which still has not been implemented although according to the regulation it should have been implemented since the 1.2.2020.

### **13. Return of former applicants for international protection**

### **14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)**

There are no Resettlement and humanitarian admission programmes available

### **15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)**

Unfortunately Relocation is not available us an alternative

### **16. National jurisprudence on international protection in 2019 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))**



Administrative court of Athens decision 245/2020 for the sexual orientation (part of the decision available <http://www.immigration.gr/2020/02/epiklhsh-seksoyalikoy-prosanatolismoy-to-proton-enopion-ths-arxhs-prosfygon.html>)

see more decisions on [immigration.gr](http://www.immigration.gr)

## 17. Other important developments in 2019

Law 4636/2019

## References and sources

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### 18. Please provide links to references and sources and/or upload the related material in PDF format

All the links are written in each of the categories as sources.

### 19. Feedback or suggestions about the process or format for submissions to the EASO Annual Report

Although I believe the time was enough, it seems that the one month period is not enough for completing the form thoroughly.

Please upload your file

The maximum file size is 1 MB

**c30eec69-4748-438a-8541-6ee3df673978/Caught-in-the-Middle-Unaccompanied-Children-in-Greece.pdf**  
**6c6c99df-72ca-4067-8673-14e00c678e12/report\_on\_low\_profile\_detention\_in\_greece\_hias\_dec\_2019.pdf**

## Contact details

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\* Name of organisation

Network for Children's Rights

Name and title of contact person

Pelopidas Nikolopoulos

\* Email

p.nikolopoulos@ddp.gr

I accept the provisions of the EASO [Legal and Privacy Statements](#)

## Contact

ids@easo.europa.eu