

— .

-
-

\$FFHVV WR WHUULWRU\ DQG DFFHVV WR DVOXP SURFHGXUHV LQFOXGLQJ ILUVW DUULYDO W UHJLVWUDWLRQ DUULYDO DW WKH ERUGHU DSSOLFDWLRQ RI WKH QRQ UHIRXOHPHQW SULQF UHVSQRVH VKHOWHU IRRG PHGLFDO WUHDWPHQW DQG LVVXH UHJDUGLQJ ERUGHU JXDUGV

Kindly see the report submitted via e-mail

\$FFHVV WR LQIRUPDWLRQ DQG OHJDO DVVLVWDQFH LQFOXGLQJ FRXQVHOOHQJ DQG UHSUHV

Appeals Committees, examining asylum claims at second instance continued working during COVID 19 lockdowns. While the Refugee Law (article 94 of Law 4636/2019) provides for the possibility of applicants to submit their appeal through the site managers to facilitate the access to the effective remedy within the time limits provided by the law, it has been observed that Asylum Service created more bureaucratic procedure. After the communication of the appeal by the site manager to the Asylum Office that has issued the decision, the applicant was asked to contact it - after the lock down - to get the certificate of the submission of the appeal and the renewed asylum seeker's card.

As for the adjournment of hearings before the Appeals Committees, the law provides that the applicants are entitled to request for it only once. During COVID 19 lockdowns and while the contact with Asylum Service was not possible due to the suspension of its operation, the Appeals Committees refused to adjourn for a second time the hearing of a case despite the documented reason claimed by the applicant's lawyer, who could not have access to his file for objective reasons (force majeure). By doing so, the Appeals Committees deprived the applicant from the right to an efficient remedy, because neither the applicant nor his lawyer had access to the copy of the asylum file nor the audio recorded interview that are needed to draft a supportive memo, which should be filed with the Committees three days prior to the hearing of the case. This practice was communicated to the Ombudsman that requested the government to provide in a legislative text for the working conditions of the Committees.

\$YDLODELQW DQG XVH RI FRXQWU\ RI RULJLQ LQIRUPDWLRQ LQFOXGLQJ RUJDQLVDWLRQ F SURGXFWV GDWDEDVHV IDFW ILQGLQJ PLVVLRQV FRRSHUDWLRQ EHWZHHQ VWDNHHKROGHUV

It has been observed that case workers working in the context of the 2020 Operational and Technical Assistance Plan agreed between EASO and Greece are using only EASO COI documents. As a result the recommendations they are drafting lack objectivity as far as it concerns the country of origin information included in them.

f 9XOQHUDEOH DSSOLFDQWV LQFOXGLQJ GHILQLWLRQV VSHFLDO UHFHSWLRQ IDFLOLWLHV PHFKDQLVPV UHIHUUDOV SURFHGXUDO VWDQGDUGV SURYLVLHQ RI LQIRUPDWLRQ DJH DVVHV JXDUGLDQV KLS DQG IRVWHU FDUH IRU XQDFFRPSDQLHG DQG VHSDUDWHG FKLOGUHQ

While the Refugee Law provides for the medical certification of acts of torture, rape and other serious acts of violence (article 61 of Law 4636/2019) in the case of a woman asylum seeker from sub-Saharan Africa it has been observed that on procedural grounds (provided by the national legislation) no public or military hospital or any suitable trained public health service provider could certify that she is a GFM survivor. The General Hospital of Larissa underlined that only a coroner can draft the relevant medical expert report. However, the forensic medical service cannot proceed with the medical examination of the applicant because only the police or the public prosecutor are entitled by law to request such an examination. But still, in that case, according to the Greek law, the public prosecutor was not legally authorised to request the doctors of the General Hospital to proceed with the medical examination as the crime (FGM) had not occurred in Greece and the assailant and the victim were foreigner citizens. The objective inability of the asylum applicant to submit a medical certificate that documents that she is FGM survivor can be crucial for the assessment of her asylum claim. This case shows that the national refugee legislation does not ensure the right of victims of torture, rape and other serious acts of violence to have access to medical certificate.

Due to COVID 19 pandemic rejected asylum seekers were not returned to Turkey in the context of readmission procedures. It has been observed that the asylum claims submitted on the islands by Syrians while in detention were rejected as inadmissible by the Appeals Committees on grounds of "safe third country". While the decision of the Committees was ordering their readmission to Turkey, the applicants were released after the notification of the decision of the Committees, and they were handed over a police note asking them to leave voluntarily the country within a deadline of 15 of 30 days. Some of these rejected applicants, who could not leave Greece, moved on their own initiative to the mainland and few managed to submit a subsequent application asking asylum authorities to examine their claims on the merits.

f 5HVHWWOHPHQW DQG KXPDLWDULDQ DGPLVVLRQ SURJUDPPHV LQFOXGLQJ (8 -RLQW 5HV 3URJUDPPH QDWLRQDO UHVHWWOHPHQW SURJUDPPH 81+&5 1DWLRQDO +XPDQLWDULDQ \$GF 3URJUDPPH SULYDWH VSRQVRUVKLS SURJUDPPHV VFKHPHV DQGf DG KRF VSHFLDO SURJUDPPI

N/A

5HORFDWLRQ DG KRF HPHUJHQF\ UHORFDWLRQ GHYHORSHPHQWV LQ DFWLYLWLHV RUJDQLV VFKHPHV RU RQ D ELODWHUDO EDVLV

While the EU Commission has announced the details of the relocation of UAMs to EU member states, none of the actors operating in the country and involved in the implementation of the program disseminated information related to the applicable procedures, including eventual referral mechanisms. As a result, based on rumours, refugees and asylum seekers hosted in the sites of the mainland started asking questions that legal aid and protection actors could not answer.

f 1DWLRQDO MXULVSUXGHQFH RQ LQWHUQDWLRQDO SURWHFWLRQ LQ SOHDVH LQFOXGH FDVH ODZ DQG RU VXEPLW FDVHV(SR &XHH /DZ 'DWDVH KWWSV FDVHODZ HDVR HXURSD HX 3DJHV GHID\KOW DVS[

N/A

2WKHU LPSRUWDQW GHYHORSHPHQWV LQ

Legislative Act of 2.3.2020 that provided for the closure of border and the suspension of the access to the asylum procedure for one month as a response to the threat to the nationality security in combination with the objective inability to examine in a reasonable period the asylum claims that would have been submitted after the irregular influx of asylum seekers. Since the ratification of the 1951 Geneva Convention by Greece (Law 3989/1959) it is the first time that Greece decided to close its borders to asylum applicants considering the mass influx of irregularly entering asylum seekers a threat for the national security. Article 43 Law 4760/2020 abolished the practice of protective custody of UAMs in police stations

f 30HDVH SURYLGH OLQNV WR UHIHUHQFHV DQG VRXUFHV DQG RU XSORDG WKH UHODWHG PI
IRUPDWf

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)
- On Skype pre-registration of asylum claims: Greek Council for Refugees, Submission of the Greek Council for Refugees to the Committee of Ministers of the Council of Europe concerning the groups of cases of M.S.S. v. Greece (Application No. 30696/09) and Rahimi v. Greece (8687/08), page 49, https://www.gcr.gr/media/k2/attachments/SUBMISSION_OF_THE_GREEK_COUNCIL_FOR_REFUGEES_2020.pdf
2. Access to information and legal assistance (including counselling and representation)
- Πίνακες επιλεγέντων, επιλαχόντων και αποκλειόμενων δικηγόρων για το Μητρώο Δικηγόρων για παροχή νομικής συνδρομής σε αιτούντες διεθνή προστασία στο πλαίσιο της υπ. αριθμ. 19970/25-9-2020" προκήρυξης, <https://migration.gov.gr/pinakes-epilegenton-epilachonton-kai-apokleiomenon-dikigoron-gia-to-mitroo-dikigoron/>
 - Παράταση προθεσμίας αιτήσεων Μητρώου Δικηγόρων, <https://www.dsa.gr/sites/default/files/news/attached/deltiotypoy-paratasi-prothesmias-dikigoron.pdf>
 - Επιστολή του Προέδρου του ΔΣΑ προς τον Υπουργό Προστασίας του Πολίτη για την καταβολή των οφειλόμενων δικηγορικών αμοιβών από την Υπηρεσία Ασύλου, <https://bit.ly/37EhQSP>
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)
- IOM, SMS Factsheets, <https://greece.iom.int/en/sms-factsheets>
 - IOM, Factsheets, January 2020 https://greece.iom.int/sites/default/files/sms/___1Merged%20Factsheets%20Jan_20_1.pdf
 - IOM, Factsheets, December 2020, https://greece.iom.int/sites/default/files/___Merged%20Mainland%20Dec_20_compressed.pdf
 - 2020 Operational and Technical Assistance Plan agreed between EASO and Greece, https://www.easo.europa.eu/sites/default/files/EL_OP_2020_final.pdf
 - Υπ. Υγείας: Έναρξη λειτουργίας πλατφόρμας ΗΔΙΚΑ για αναζήτηση Προσωρινού Αριθμού Ασφάλισης και Υγειονομικής Περίθαλψης Αλλοδαπού Π.Α.Α.Υ.Π.Α., 19.6.2020, <https://bit.ly/3skcV1p>
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)
- Hellenic Integration Support for Beneficiaries of International Protection (HELIOS), <https://greece.iom.int/en/hellenic-integration-support-beneficiaries-international-protection-helios>
15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)
- Relocation of unaccompanied children from Greece to Portugal and to Finland - Questions and answers, https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1291

17. Other important developments in 2020
Law 4760/2020 (Official Gazette 247/11.12.2020), available at:
<https://www.kodiko.gr/nomothesia/document/660230>

Η ΕΠΙΧΕΙΡΗΣΙΑΚΗ ΣΤΡΑΤΗΓΙΚΗ ΤΗΣ ΔΡΚ ΓΙΑ ΤΟ 2021 (ΕΠΕΣ 2021)

Annual reports could be thematic and focus on topics of concern. This will give room to analyse the challenges of specific topics and relevant practices.

Β/(*\$/B(67\$/%,6+0(17B2)B&\$036B2)B7+(B0\$,1/\$1'B2)),&,\$/B*\$=(77(SGI
B6,7(B0\$1\$*(56B0\$,1/\$1'B,6/\$1'6B\$332,170(17 SGI
B\$6</80B6((.56B60\$57B&\$5'BBBBB SGI
B&/2685(B2)B%25'(56B6863(16,21B\$6</80B352&('85(B2)),&,\$/B*\$=(77(B
BB SGI
B3\$\$<3\$B0,1,675<B2)B/\$%285B&,5&8/\$5 SGI
B3\$\$<3\$BBBBB SGI
B\$0.\$B3\$\$<3\$B20%8'60\$1 SGI
B(67,\$B&\$6+B\$66,67\$1&(B2)),&,\$/B*\$=(77(B BBBBBBBBBBBBBBBBBBBB SGI
/(*\$/\$,'BBBBB B SGI
/(77(5B0,1,67(5B\$6</80B5(&(37,21B21/,1(B3/\$7)250B SGI
20%8'60\$1B\$33(\$/6B&200,77((6B SGI

DRC Greece

Erika Kalantzi, Legal Aid Coordinator

erika.kalantzi@drc.ngo



8VHIXO OLQNV

&RQWDFW

Input by civil society to the 2021 EASO Asylum Report

Fields marked with * are mandatory.

D e a r

C o l l e a g u e s ,

The production of the *EASO Asylum Report 2021* is currently underway. The annual [Asylum 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 organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policy or practice in 2020 (and early 2021) by topic as presented in the online survey.

Please note that the EASO Asylum 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.

All submissions are publicly accessible. For transparency, 2021 contributions will be published on the EASO webpage. Contributions to the 2020 EASO Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. 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 Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

Nina Gregori - *EASO Executive Director*

*Please complete the online survey and submit your contribution to the 2021 EASO Asylum Report by **Thursday, 25 February 2021**.*

Instructions

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

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

- New developments and improvements in 2020 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2020.

Please ensure that your responses remain within the scope of each section.

Contributions by topic

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)

Problems have been observed in the access to the asylum procedure in the mainland. On 26.11.2020 Reception and Identification Service (RIS) issued a circular providing guidance for the implementation of article 39 par. 1 of Law 4636/2019, ie. for the management of spontaneous arrivals of undocumented third country nationals, who cannot prove their identity and their nationality to the sites operating under RIS. According to the law, police and coast guard authorities should refer these nationals to Reception and Identification Centers (RICs) for registration. The filing of asylum claims follows the registration with reception authorities.

Until the issuance of the above mentioned circular spontaneous arrivals could file their asylum claim only through Skype (pre-registration of the claim/expression of will to file an application for international protection) and through the online applications platform of the Migration and Asylum Ministry (<https://applications.migration.gov.gr/en/ypiresies-asylou/>) that was introduced in the beginning of COVID 19 pandemic. The access to the Skype pre-registration is extremely limited, as the Greek Ombudsman has highlighted considering that accessing the asylum procedure through Skype is a “restrictive system, “which” appears to be in contrast with the principle of universal, continuous and unhindered access to the asylum procedure”. According to the Ombudsman, the Skype system has become part of the problem, rather than a technical solution. Deficiencies in the Skype appointment system, stemming from limited capacity and availability of interpretation and barriers to applicants’ access to the internet, hinder the access of persons willing to apply for asylum to the procedure. Consequently, prospective asylum seekers frequently must try multiple times, often over a period of several months, before they manage to get through the Skype line and to obtain appointment for the registration of their application, meanwhile facing the danger of a potential arrest and detention by the police. They are deprived of the assistance provided to asylum seekers, including reception conditions and in particular access to housing. Moreover, even if a Skype appointment is scheduled, in the meanwhile the applicant is not provided with any document to prove that he/she has already contacted the Asylum Service and he/she faces arrest and detention in view of removal (Submission of the Greek Council for Refugees to the Committee of Ministers of the Council of Europe concerning the groups of cases of M.S.S. v. Greece (Application No. 30696/09) and Rahimi v. Greece (8687/08) – page 49). The filing of an asylum claims through the online applications platform of the Migration and Asylum Ministry is equally restrictive because it can be used only by third country nationals who are already registered by the

police authorities and are holders of police note. In addition, while the platform is available in many languages there are limitations when asylum applicants want to use it: the opening page is available only in Greek and English and after the submission of the application the system does not produce a protocol number nor a document that confirms that the beneficiary has submitted an asylum claim. After the online submission of the asylum claim, applicants should contact asylum offices to be fingerprinted and receive the asylum seeker's residency document. So far it has been observed that they are asked to contact asylum authorities four to six months after the submission of the online application. Furthermore, the applications of the platform are not user friendly, or they do not work properly on mobile phones, that most of beneficiaries use as a means of access to web services. In addition, the platform does not serve the needs of persons with disabilities, who cannot use it nor those of illiterate persons because there is no system in place to assist them to benefit of the services provided by the platform.

The appointment of site managers in the open accommodation centers of the mainland has affected the access to the procedure, though not in a uniform way in all sites. In Southern Greece it has been observed that some site managers assisted the non-registered new arrivals to issue a police note with the willingness number (i.e., the number that indicates that the holder has expressed his will to file an asylum claim). Then the beneficiaries concerned could apply through the online application available at the platform of the Migration and Asylum Ministry. In other sites, the assistants of site managers share lists with the names of non-registered applicants with asylum office, that schedule registration interviews for them. In other sites, site managers do not share lists with applicants who are considered being irregularly in the site (ie. not included in the population list of the site) and in some cases (as it was observed in Lagkadikia hosting site in September 2020), they call the police to evict them. The latter practice is of concern, because it has been observed that undocumented third country nationals who live in the sites without being registered by the administration of the site are at risk of being pushed back to Turkey, in violation of the non-refoulement principle, but also of the Greek Refugee Law that provides that third country nationals who express their will to seek asylum before any Greek authority are referred to the competent authority that registers their claim. This provision of the Greek Law is clarified by the above-mentioned circular that was issued in November 2020. Instead of regularizing the referral procedure this circular has created additional problems with regards to the access to the asylum procedure. Specifically, in the mainland – mostly in Northern Greece – police authorities claim that they are not aware that they have the responsibility to refer spontaneously arriving at the sites third country nationals to the only RIC operating in the mainland at the border area of Evros, Fylakio. As a result, they refuse to transfer this group of new arrivals while not all site managers – mainly of the sites located in Northern Greece, refer them to the RIC of Fylakio claiming that they are not officially belong to the population of the site they are managing.

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

Limited information is provided by the Ministry of Migration and Asylum to asylum-seekers regarding the asylum procedures, the registration of the asylum claims with the Asylum Authorities, the family reunification procedures under Dublin III Regulation and the use of the online applications available on the website of the Ministry for Migration and Asylum. Furthermore, when reception authorities schedule the registration of applications for international protection with asylum authorities, there is real risk that family reunification requests are not taken into consideration or that they are not mentioned to asylum authorities. In both cases, this miscommunication leads to belated appointments for the registration of asylum claims that exceed the deadline provided by law for the submission of Dublin family reunification requests.

According to the article 93 of Law 4636/2019, the appeal against the first instance decision shall be lodged in a written form (in Greek) and it shall also mention the specific grounds against the first instance decision. Otherwise, it will be rejected as inadmissible without any in merits examination. Therefore, an appeal can only be drafted by a lawyer. Due to COVID 19 restriction measures, the request for legal aid addressed to Asylum Service are submitted only online through the platform of the Ministry for Migration and Asylum (<https://applications.migration.gov.gr/en/ypiresies-asylou/>). While rejected asylum seekers have access to the platform, it has been observed that the system does not return any proof (like a confirmation for the submission of the request) or protocol number (via e-mail) for the submission of the above request.

Furthermore, the asylum authorities do not inform properly and timely the applicants on the appointment of any Registry lawyer to assist them with the re-examination of their case by Appeals Committees. The delays affect seriously the right of rejected asylum seekers to effective remedy as there were instances where the applicants did not have the possibility to meet with the appointed lawyers before the drafting of the appeal by the latter. In addition, at the beginning of 2020, it was observed that several regional asylum offices were unable to respond to the requests for legal assistance due to the limited number of lawyers included in the Registry and to the abstention of the registry lawyers from their duties because there were serious delays in the payment of their fees, or due to other unknown reasons. In the above-mentioned context, it has been observed that rejected asylum seekers were at real risk of missing the deadline for the submission of appeal. While the assistance provided by legal aid actors continued uninterrupted during the entire year – in remote mode when COVID 19 lockdowns and/or restrictions were applicable - the last months of 2020, the response of asylum authorities to the online requests of the beneficiaries and/or of their lawyers for getting copies of their files or for booking appointments was not timely. The delays affected seriously the right of rejected asylum seekers to an effective remedy, because their lawyers did not always had access to the full files of their beneficiaries at the time, they drafted the appeal.

The requirement of Asylum Law for asylum seekers to legalize their signatures by public authorities when they authorize lawyers to represent them rendered impossible the proper representation of those who are not holders of an identity document, which is necessary for the legalization of the signature of the holder. While asylum authorities legalize the signature of asylum seekers who do not hold identity documentation (asylum seekers' card), the staff of Reception and Identification Service, including site managers, do not always legalize the signature of above-mentioned group of asylum seekers, thus blocking their access to services provided in stie but also by asylum authorities via e-mail or the online applications of the platform of the Ministry of Migration and Asylum.

The platform of online applications of the Ministry of Migration and Asylum does not guarantee the protection of personal and extremely sensitive data of the applicants, as anyone in possession of a photocopy of the applicant's card may have access or even add documents to the applicant's file (processing of personal data is also considered adding data in the file). For example, the request of the issuance of status certificate (ie. the document that proves the phase of examination of the asylum claim) can be harmful for asylum seekers when it is processed by the wrong person (i.e. the abusive ex-husband), as the asylum application can be a reason for persecution back in the country of origin.

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)

Article 69 paragraph 3 of Law No 4636/2019 provides for the obligation of asylum authorities to ensure interpretation in the language chosen by the applicant that he / she can fully understand. When Asylum Service cannot ensure the interpretation in the language of the applicant's choice (article 7 paragraph 1 of Law No 4686/2020 - Government Gazette A' 96/12.5.2020) the interview can be conducted in the official language of the applicant's country of origin or in another language that is expected that the applicant understands. In this context, it is highlighted that the law does not specify the minimum requirements for the proof of the objective inability of Asylum Service to ensure proper interpretation to the applicant nor does it explicitly state the exceptions provided for in the Directive 2013/32/EU. Therefore, the Asylum Service may unjustifiably fail to conduct a personal interview with the applicant for international protection, infringing his /her right to asylum as guaranteed by article 18 of the EU Charter of Fundamental Rights. In 2020, it has been observed that the Asylum Service could not provide interpretation in specific languages such as for example Creoli (for an asylum-seeker from Haiti, whose interview was postponed because he could not communicate in French, the language suggested by Asylum Service). Deficits have been also observed regarding dialects in certain African countries (such as the dialect of Zarma for asylum-seekers from Niger).

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

Sweden: In accordance with article 29 of the Dublin III Regulation in case the transfer to Sweden has not taken place within the six-months' time limit due to COVID 19 restrictions, the Dublin Department of Greece has been requested by the Swedish authorities to send a new claim for family reunification based on Art. 17.2 along with the written consents of the applicant and the family members in Sweden. These requests were accepted by the Swedish authorities and the applicants were transferred to Sweden shortly after. Most Member States, however, accepted the transfer of the applicants who had already positive decision without any further requirements, as the six-months deadline was extended based on the force majeure principle (Covid-19 outbreak).

Germany and France: Prolonged delays have been observed when re-examination requests are filed with Dublin Units of Germany and France after the initial rejection of the family reunification request. Dublin Units of both countries do not reply for several months.

German Dublin Unit requires translated documents. This requirement is a source of concern for applicants who have limited access to legal aid and are unable financially to seek interpreter services.

Spain: Spanish authorities require an additional DNA test, when the results of the autosomal DNA are not conclusive, and an additional test is required: if the case is based in a maternal relationship a mitochondrial DNA test is required and if the case is based in a paternal relationship an Y chromosome test is required.

When the results of above-mentioned additional tests are not sent to Spanish Dublin Unit, Spain does not accept the responsibility and the case is closed.

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

Fast track asylum procedure for Syrians, who are holders of Syrian identity documents has changed. Asylum authorities do not conduct any asylum interview. Instead, they decide on the asylum claims from the file, on grounds of 77 para. 7 of Law 4636/2019 that provides for the omission of the personal interview in case asylum authorities consider that, based on the available evidence, the applicant may be granted refugee status.

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)

Access to shelter and food, including cash assistance (EU funded ESTIA program): According to the statistical data provided by IOM (that implements the EU funded program “Supporting the Greek Authorities in Managing the National Reception System for Asylum Seekers and Vulnerable Migrants (SMS) ») in January 2020 24855 asylum seekers and refugees were hosted in the 30 camps that are located in the mainland, the majority (42% being children) while in December 2020 the number of persons hosted in the 32 camps of mainland raised to 28356 (the majority 43% being children).

In March 2020, the Greek government proceeded with the legal establishment of all hosting sites located in the mainland and in April 2020 appointed site managers who started being supported by EASO according to the 2020 Operational and Technical Assistance Plan agreed between EASO and Greece. In November 2020, the Greek Government adopted the General Regulation for the Operation of the hosting sites that are in the mainland. While the Regulation provides for the groups of persons who are entitled to the reception services (article 9) the criteria for the placement of asylum seekers in the sites are not clear, the main problem being the inclusion in the sites’ official census of asylum seekers who are hosted without the permission of the managers (those who arrive spontaneously). The group of persons being “unofficially” hosted in the sites is of concern, especially when they have not lodged their asylum claim, due to the problems of access to the asylum procedure. Except for the unregistered population, asylum seekers who have been notified the decision of the Appeals Committees (final decision) and recognized beneficiaries of international protection (ie. refugees and beneficiaries of subsidiary protection) the residents of the sites have access to cash assistance as provided by the EU funded ESTIA program. All the persons living in the sites, without distinction related to their registration – official or not – have access to food and shelter.

Access to medical and health care: According to the provisions of the article 55 par.2 & 4 of the new Greek Asylum Law 4636/2019, that entered into force upon publication of the law (1.11.2019), «for the purposes of health care, access to medical services, and to the labour market and social security, applicants for international protection shall receive a Temporary Number for Insurance and Health Care (Π.Α.Α.Υ.Π.Α). Π.Α.Α.Υ.Π.Α that is issued concurrently with the number of their asylum case mentioned on the asylum seeker’s card, corresponds to that number, and remains active throughout the examination of the asylum application. The holder of Π.Α.Α.Υ.Π.Α. has access to health services under the terms of article 33 of Law 4368/2016 (A ’21). In case of rejection of the asylum request for any of the reasons mentioned in this law, which has no suspensive effect, the Π.Α.Α.Υ.Π.Α. is automatically deactivated and the beneficiary ceases to have access to the above services. Any details of the application of the provisions herein shall be laid down in a joint decision of the Ministers of Labor and Social Affairs, Digital Governance, Citizen Protection, Health and Education and Religious Affairs»

The joint ministerial decision provided by the above-mentioned law was published in January 2020, three (3) months after the entry into force of the above-mentioned article. Several months later, although there was a joint ministerial decision for the PAYPA into force, still this temporary social security number was not being issued to asylum seekers. As a result, the first six (6) months of the implementation of the above-mentioned new system a) the asylum seekers had limited access to health services and b) the right to education was being violated for the children who could not be vaccinated.

While in February 2020 the Ministry of Labour and Social Affairs communicated the above-mentioned ministerial decision to the governmental actors responsible for its implementation, it was only in June 2020 that the doctors were informed by the Ministry of Health on the way they can use PAAYP.A.

Right of asylum seekers to work: Problems have also been observed in relation to the use of PAAYP.A for work purposes. While asylum seekers are entitled to work six months after the registration of their asylum claim, holders of PAAYP.A could not have access to the Registration Number (AMA) that is issued by Social

Security Agency (EFKA) and is necessary for recruitment purposes. For this aspect of the use of PAAYPE, complaints were submitted to the Ombudsman, and in January 2021 the Social Security Agency (EFKA) informed the Ombudsman that PAAYPE can be used properly for recruitment purposes.

Right to stay in the country during the asylum procedure: In October 2020, the Ministry for Migration and Asylum issued a new ministerial decision on the new type of asylum seekers "smart" cards. In the new cards PAAYPE is activated or deactivated remotely depending on the expiration date of the card. For asylum seekers who are granted international protection status, PAAYPE is deactivated one month after the notification of the decision on their claim, and it is converted to AMKA (i.e. the social security number that is issued to all persons being legally in the country, including migrants, EU nationals etc) when the holder of the residence permit contacts Social Security Agency (EFKA). The new "smart" asylum seeker's cards mention the date of issuance and the obligation of the holder to renew it. Without any further clarification, the expiration date of the card itself is after two years from its issuance, but this expiration date does not correspond to the period the card is valid for the asylum process.

Another problem created by the introduction of PAAYPE, and the new "smart" asylum seekers cards has been the decision of the government to extend by law their validity. Social Security Agency IT system (HDIKA) was not fed with the information of automatic extension of the validity of asylum seeker's cards and, as a result, asylum seekers, were deprived of the access to medical care because PAAYPE was automatically deactivated.

An additional problem related to the asylum seeker's new "smart" card is the inability of the authorities to renew them when asylum seekers challenge the decision of asylum authorities that rejects their claim. It has been observed, that while the asylum seeker's card is withdrawn when the holder submits the appeal, the validity of the asylum seeker's card cannot be extended. This technical aspect of the issuance/renewal of the "smart" cards leaves asylum seekers who have the right to stay in the country until the issuance of a decision on their appeal by the Appeals Committees without access to medical care, to work or education (in the case of children). In addition, they risk being arrested and detained.

Furthermore, in the reception context, it has been observed that the staff working under the 2020 operational plan agreed between EASO and Greece facilitates in the hosting sites procedures related to the renewal of asylum seeker's cards but also to the booking of appointments, upon request of the asylum applicants, with Asylum Service or other public services.

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)

N/A

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)

In the mainland, extended delays have been observed in the examination of asylum claims by asylum authorities due to COVID 19 restrictions but also to the organizational constraints of Asylum Service. EASO's support in Central and Northern Greece has speed up the examination of asylum claims by Asylum Service, as asylum interviews started being conducted in the hosting sites, where applicants live, except for those transferred officially from the islands who are asked to return to the island for the asylum interview. While EASO's support focus on the implementation of the principle of fairness and efficiency of asylum

procedure, it has been observed that the lack of legal background of some case workers affects the quality of the first instance asylum procedure, including the recommendations they draft. On the other side, the non-access of the staff working in the context of the implementation of the 2020 operational plan agreed by EASO and Greece at the database of Asylum Service creates more bureaucracy for both asylum applicants and asylum authorities, because case workers under the 2020 operational plan cannot record changes of personal details or the submission of passports and other documents of the applicants in the Asylum Service's files. This means that after the asylum interview with the staff of EASO the applicants need to contact directly Greek asylum authorities for the change of personal details and for the submission of passports and other documents related to their case.

Furthermore, the gaps in the communication for the details of implementation of the above-mentioned operational plan in the hosting sites of Northern and Central Greece by asylum authorities combined with the fact that the new asylum seekers "smart" cards do not mention the asylum interview date affected the procedural rights of asylum applicants. Asylum seekers were invited to present themselves before the asylum interviewers only three days before the scheduled asylum interview date. The three days period was not reasonable time neither for the applicants nor for their lawyers to prepare them properly for the presentation of their case.

In relation to the new asylum seekers "smart" cards and the fact that the date of asylum interview is not mentioned on them, it has been observed that neither Asylum Service, nor the Ministry for Migration and Asylum informed properly the asylum applicants on the meaning of the dates that are printed on them. Furthermore, asylum authorities did not inform the applicants whether the asylum interview date mentioned in the old type of asylum seeker's cards still valid or not. This practice created confusion to both the applicants and their lawyers, while asylum authorities did not specify how the beneficiaries and/or their lawyers would be informed about it.

Concerning the decisions issued by Asylum Service, it has been observed that while many were issued during the March-April COVID 19 lockdown, there were cases where case workers did not respect the time-limits provided for by article 83 of Law 4636/2019 for the timely issuance of decisions.

The refugee law provides that the decision, when it is served to the applicant, should be accompanied by a document that clarifies in a language that the applicant understands, in simple and tangible way its content, the consequences thereof and, in case the claim is rejected, the time limits provided by the law to challenge it before the Appeals Committees. In a few cases, there was misleading information in the document accompanying the first instance decision concerning the deadline for lodging an appeal against it. This might have caused serious damage to the applicant, as he could miss the deadline to submit his appeal leading to the rejection of the latter as inadmissible without further examination on the merits of the case.

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

Appeals Committees, examining asylum claims at second instance continued working during COVID 19 lockdowns. While the Refugee Law (article 94 of Law 4636/2019) provides for the possibility of applicants to submit their appeal through the site managers to facilitate the access to the effective remedy within the time limits provided by the law, it has been observed that Asylum Service created more bureaucratic procedure. After the communication of the appeal by the site manager to the Asylum Office that has issued the decision, the applicant was asked to contact it – after the lock down – to get the certificate of the submission of the appeal and the renewed asylum seeker's card.

As for the adjournment of hearings before the Appeals Committees, the law provides that the applicants are entitled to request for it only once. During COVID 19 lockdowns and while the contact with Asylum Service was not possible due to the suspension of its operation, the Appeals Committees refused to adjourn for a second time the hearing of a case despite the documented reason claimed by the applicant's lawyer, who could not have access to his file for objective reasons (*force majeure*). By doing so, the Appeals Committees deprived the applicant from the right to an efficient remedy, because neither the applicant nor his lawyer had

access to the copy of the asylum file nor the audio recorded interview that are needed to draft a supportive memo, which should be filed with the Committees three days prior to the hearing of the case. This practice was communicated to the Ombudsman that requested the government to provide in a legislative text for the working conditions of the Committees.

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

It has been observed that case workers working in the context of the 2020 Operational and Technical Assistance Plan agreed between EASO and Greece are using only EASO COI documents. As a result the recommendations they are drafting lack objectivity as far as it concerns the country of origin information included in them.

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)

While the Refugee Law provides for the medical certification of acts of torture, rape and other serious acts of violence (article 61 of Law 4636/2019) in the case of a woman asylum seeker from sub-Saharan Africa it has been observed that on procedural grounds (provided by the national legislation) no public or military hospital or any suitable trained public health service provider could certify that she is a GFM survivor. The General Hospital of Larissa underlined that only a coroner can draft the relevant medical expert report. However, the forensic medical service cannot proceed with the medical examination of the applicant because only the police or the public prosecutor are entitled by law to request such an examination. But still, in that case, according to the Greek law, the public prosecutor was not legally authorised to request the doctors of the General Hospital to proceed with the medical examination as the crime (FGM) had not occurred in Greece and the assailant and the victim were foreigner citizens. The objective inability of the asylum applicant to submit a medical certificate that documents that she is FGM survivor can be crucial for the assessment of her asylum claim. This case shows that the national refugee legislation does not ensure the right of victims of torture, rape and other serious acts of violence to have access to medical certificate.

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)

The issuance of residence permit is of paramount importance for beneficiaries of international protection. It is required by all public services as a document that proves their residency status in Greece. In fact, it is the document that gives to the beneficiaries of international protection the access to rights and services, including the issuance of travel documents.

However, long delays were observed in the issuance of residence permits of the beneficiaries of international protection after the notification of the decision on their claim. In the first semester of 2020, long delays have been observed in the issuance of decisions by Asylum Service, especially in Athens, on the request of the beneficiaries of international protection to be issued residence permit while in Thessaloniki long delays were observed in the fingerprinting of the applicants by police authorities. From mid-January 2020 the Aliens Police Department in Thessaloniki ceased to give appointments for fingerprinting. After the fingerprint's appointment the printing of the residence permit card itself is also delayed. As a result, in 2020 the issuance of the residence permit for the beneficiaries of international protection was delayed for more

than six months. Above-mentioned situation continued happening until the end Of the year with a slight improvement.

On the other hand, recognized refugees and beneficiaries of subsidiary protection (mostly Afghans) cannot proceed with the issuance of their residence permit due to errors related to the registration of their personal details by asylum authorities. For the correction of their personal details, they need to file an application with asylum authorities. The procedure for the submission of the relevant application and for the decision-making is time consuming. In Attika, it has been observed that asylum authorities either did not manage these cases or they worked on them several months later.

While waiting for the issuance of their residence permits, the beneficiaries of international protection are holders of the asylum seekers card. Until they receive the residence permit their right to health is undermined because the PAAYPA number, that is issued to asylum seekers only, is deactivated one month after the notification of the decision on their asylum claim. To request the conversion of PAAYPA to AMKA (social security registration applicable for all persons under the jurisdiction of Greek state, except for asylum seekers), the beneficiaries of international protection they need to contact Social Security Agency (EFKA) with the residence permit. This means that as long as they are not holders of the residence permit document, they do not have access to medical and health services. Pregnant women cannot have access to prenatal checkups and children cannot be vaccinated, so they cannot be enrolled to public schools. Furthermore, as the beneficiaries of international protection cannot obtain the AMKA number, they cannot obtain the Unemployment card nor open a bank account.

Beneficiaries of international protection, who do not have bank account or tax registration are excluded from HELIOS integration program (that provides integration course, including Greek language learning, job readiness and life skills, accommodation and employability support, integration monitoring and sensitization of the host community) while at the same time are asked to leave the hosting sites and do not have access to cash assistance. Therefore, beneficiaries of international protection are at risk of social exclusion and homelessness and they risk inhuman and degrading treatment, especially when they are vulnerable.

13. Return of former applicants for international protection

Due to COVID 19 pandemic rejected asylum seekers were not returned to Turkey in the context of readmission procedures. It has been observed that the asylum claims submitted on the islands by Syrians while in detention were rejected as inadmissible by the Appeals Committees on grounds of “safe third country”. While the decision of the Committees was ordering their readmission to Turkey, the applicants were released after the notification of the decision of the Committees, and they were handed over a police note asking them to leave voluntarily the country within a deadline of 15 of 30 days. Some of these rejected applicants, who could not leave Greece, moved on their own initiative to the mainland and few managed to submit a subsequent application asking asylum authorities to examine their claims on the merits.

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)

N/A

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

While the EU Commission has announced the details of the relocation of UAMs to EU member states, none of the actors operating in the country and involved in the implementation of the program disseminated information related to the applicable procedures, including eventual referral mechanisms. As a result, based on rumours, refugees and asylum seekers hosted in the sites of the mainland started asking questions that legal aid and protection actors could not answer.

16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

N/A

17. Other important developments in 2020

Legislative Act of 2.3.2020 that provided for the closure of border and the suspension of the access to the asylum procedure for one month as a response to the threat to the nationality security in combination with the objective inability to examine in a reasonable period the asylum claims that would have been submitted after the irregular influx of asylum seekers. Since the ratification of the 1951 Geneva Convention by Greece (Law 3989/1959) it is the first time that Greece decided to close its borders to asylum applicants considering the mass influx of irregularly entering asylum seekers a threat for the national security.
Article 43 Law 4760/2020 abolished the practice of protective custody of UAMs in police stations

References and sources

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

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)
 - On Skype pre-registration of asylum claims: Greek Council for Refugees, Submission of the Greek Council for Refugees to the Committee of Ministers of the Council of Europe concerning the groups of cases of M.S. S. v. Greece (Application No. 30696/09) and Rahimi v. Greece (8687/08), page 49, https://www.gcr.gr/media/k2/attachments/SUBMISSION_OF_THE_GREEK_COUNCIL_FOR_REFUGEES_2020.pdf
2. Access to information and legal assistance (including counselling and representation)
 - Πίνακες επιλεγέντων, επιλαχόντων και αποκλειόμενων δικηγόρων για το Μητρώο Δικηγόρων για παροχή νομικής συνδρομής σε αιτούντες διεθνή προστασία στο πλαίσιο της υπ. αριθμ. 19970/25-9-2020” προκήρυξης, <https://migration.gov.gr/pinakes-epilegenton-epilachonton-kai-apokleiomemon-dikigoron-gia-to-mitroo-dikigoron/>
 - Παράταση προθεσμίας αιτήσεων Μητρώου Δικηγόρων, <https://www.dsa.gr/sites/default/files/news/attached/deltiotypoy-paratasi-prothesmias-dikigoron.pdf>
 - Επιστολή του Προέδρου του ΔΣΑ προς τον Υπουργό Προστασίας του Πολίτη για την καταβολή των οφειλόμενων δικηγορικών αμοιβών από την Υπηρεσία Ασύλου, <https://bit.ly/37EhQSP>
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)

- IOM, SMS Factsheets, <https://greece.iom.int/en/sms-factsheets>

- IOM, Factsheets, January 2020 https://greece.iom.int/sites/default/files/sms/___1Merged%20Factsheets%20Jan_20_1.pdf

- IOM, Factsheets, December 2020, https://greece.iom.int/sites/default/files/___Merged%20Mainland%20Dec_20_compressed.pdf

- 2020 Operational and Technical Assistance Plan agreed between EASO and Greece, https://www.easo.europa.eu/sites/default/files/EL_OP_2020_final.pdf

-Υπ. Υγείας: Έναρξη λειτουργίας πλατφόρμας ΗΔΙΚΑ για αναζήτηση Προσωρινού Αριθμού Ασφάλισης και Υγειονομικής Περίθαλψης Αλλοδαπού Π.Α.Α.Υ.Π.Α., 19.6.2020, <https://bit.ly/3skcV1p>

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)

-Hellenic Integration Support for Beneficiaries of International Protection (HELIOS), <https://greece.iom.int/en/hellenic-integration-support-beneficiaries-international-protection-helios>

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

- Relocation of unaccompanied children from Greece to Portugal and to Finland – Questions and answers, https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1291

17. Other important developments in 2020

Law 4760/2020 (Official Gazette 247/11.12.2020), available at: <https://www.kodiko.gr/nomothesia/document/660230>

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

Annual reports could be thematic and focus on topics of concern. This will give room to analyse the challenges of specific topics and relevant practices.

Please upload your file

The maximum file size is 1 MB

8ffd5efd-359e-4c80-b7dc-310907e4331d/10.

_LEGAL_ESTABLISHMENT_OF_CAMPS_OF_THE_MAINLAND_OFFICIAL_GAZETTE.pdf

f3766a2c-36d7-4c44-960f-129acb098f79/11. _SITE MANAGERS MAINLAND ISLANDS APPOINTMENT.pdf

bc67882a-7ca4-48e4-94a2-9abb300fa5b2/2020 ASYLUM SEEKERS SMART CARD_____23.10.20.pdf

49d8fb25-a573-4b39-be56-6b67459c8ed3

/2020_CLOSURE_OF_BORDERS_SUSPENSION_ASYLUM_PROCEDURE_OFFICIAL_GAZETTE_45_.pdf

cfb2dada-a880-40ef-9f25-51a53e55a171/2020 PAAYPA MINISTRY OF LABOUR CIRCULAR.pdf

21e03ed7-f1b6-4d0e-bd91-1d9c2b0f4c66/2020 PAAYPA_____31.1.2020.pdf

d5b649dc-2ef4-4ab4-a3ca-f4af41bc5710/2021_AMKA_PAAYP_A_OMBUDSMAN.pdf
6eb7d02d-fbaf-4240-8540-30fbb19a812c/23._ESTIA_CASH_ASSISTANCE_OFFICIAL_GAZETTE_29.6.20
_____.pdf
c5362ddb-0629-4909-ac60-aadd721292ff/LEGAL_AID_____1009_24.3.20.pdf
9cca721d-f367-44b9-a5f4-016ea3f4d95c
/LETTER_MINISTER_ASYLUM_RECEPTION_ONLINE_PLATFORM_12.11.20.pdf
6e11e629-4688-41dd-964b-285746c92f00/OMBUDSMAN_APPEALS_COMMITTEES_6.4.2020.pdf

Contact details

* Name of organisation

DRC Greece

Name and title of contact person

Erika Kalantzi, Legal Aid Coordinator

* Email

erika.kalantzi@drc.ngo

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

Useful links

[EASO Asylum Report 2020 \(https://easo.europa.eu/asylum-report-2020\)](https://easo.europa.eu/asylum-report-2020)

[Executive Summary -EASO Asylum Report 2020 \(https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Executive-Summary.pdf\)](https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Executive-Summary.pdf)

[Bibliography for the EASO Asylum Report 2020 \(https://easo.europa.eu/sites/default/files/easo-asylum-report-2020-bibliography.pdf\)](https://easo.europa.eu/sites/default/files/easo-asylum-report-2020-bibliography.pdf)

[Summary of legislative, institutional and policy developments in asylum in EU+ countries in 2019 \(https://easo.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf\)](https://easo.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf)

[Online database with data and latest asylum trends \(https://easo.europa.eu/asylum-trends-easo-asylum-report-2020\)](https://easo.europa.eu/asylum-trends-easo-asylum-report-2020)

[Online database for EU+ developments \(https://easo.europa.eu/eu-developments\)](https://easo.europa.eu/eu-developments)

Contact

ids@easo.europa.eu

