

Input by civil society to the EASO Annual Report 2018

Fields marked with * are mandatory.

Input by civil society to the EASO Annual Report on the Situation of Asylum in the EU+ 2018

EASO has started the production of the 2018 Annual Report on the Situation of Asylum in the European Union, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU+ and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). [Previous reports are available at EASO's website](#)

While the final product comes out of an analytical and synthetic process that takes place in-house, a critical part of information is elicited through valuable contributions by a multiplicity of stakeholders from EU+ countries, civil society organizations, UNHCR, and other actors possessing in-depth knowledge on main developments in asylum policies and practices in EU+ countries.

We would like to kindly invite you to take part in this process, by sharing your observations on developments in asylum law, policy or practice in 2018 (and early 2019) in the areas listed on the online survey. The topics listed there reflect the structure of Chapter 4 of the EASO Annual Report, which focuses on the 'Functioning of the CEAS'. To this end, your observations may concern national practices of specific EU+ countries or the EU as a whole. You can fill in all or only some of the points. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2018, including improvements and new/remaining concerns. In terms of format, your contributions would be preferably offered in the form of bullet points, which would facilitate further processing of your input.

Please, bear in mind that the EASO Annual Report is a public document. Accordingly, it would be desirable that your contributions, whenever possible, be supported by references to relevant sources. Providing links to materials such as analytical studies, articles, reports, websites, press releases, position papers/statements, and press releases, would allow for maintaining transparency. For your reference, you may review the [contributions offered by civil society actors for the 2017 Annual Report](#). If you do not consent on EASO making your submission available, please indicate so in the relevant part of the online survey.

In our effort to provide an inclusive overview of all relevant developments, we strive to incorporate as

many contributions as possible. At the same time, the final content of the EASO Annual Report is subject to its set terms of reference and volume limitations. To this end, your submissions, which are gratefully received and acknowledged, may be edited for length and clarity so that the final product concisely serves the objectives of the Annual Report: to improve the quality, consistency, and effectiveness of CEAS. From our side, we can assure you that the valuable insights you offer feed into EASO's work in multiple ways and inform reports and analyses beyond the production of the Annual Report.

Please, kindly provide your input completing the online survey by **Thursday, 28 February 2019**.

Instructions

Within each area, please highlight the following **type of information**:

- **NEW positive developments; improvements and NEW or remaining matters of concern;**
- **Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.**

You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.

Prior to completing the survey, please take a moment to review the list of areas and the types of information that needs to be included in each area.

Please contribute your feedback online or copy and paste your answers from an editable type document

Questions

1. Access to territory and access to asylum procedure (including first arrival to territory and registration)

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

4. Providing interpretation services

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

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

Third country nationals which entered Greece from the land border of Evros, mostly in April of 2018, were released straight from Police detention facilities after initial registration or RIC after Reception and Identification Service procedures. People who were released from police remises, including unaccompanied minors, were receiving a police note issued by the competent police authorities, without having any registered asylum will number included therein, with the exception of Police Notes issued for Turkish nationals. People, including vulnerable persons, were released without any guidance, support or assistance, and were exposed to possible ill-treatment or/and abuse. HumanRights360, as active member of the Racist Violence Recording Network (<https://www.humanrights360.org/memberships/>), frequently records incidents of hate crimes against those populations in the region.

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

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

Detention of Unaccompanied and Separated Children (UASCs) in the land border of Evros has systematically been imposed and may be prolonged for periods ranging from a few days to more than three months, pending their transfer to an accommodation facility. Nationals from countries with 'low recognition' rates (i.e. Pakistani), including families, are not registered as asylum seekers, when expressing their will to claim asylum, while in the RIC, but only after they are transferred to the Pre-Removal Centre. Legally they are still under active Deportation Orders, so a risk of direct or indirect refoulement is present (no guarantee against the enforcement of removal). These persons also have no proof of their expressed willingness to seek asylum. Lastly, the upper limitations on the period of detention for asylum seekers starts counting only after the full registration of the claim and without adequate monitoring these cases are not highlighted and addressed.

8. Procedures at First Instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, including backlog management)

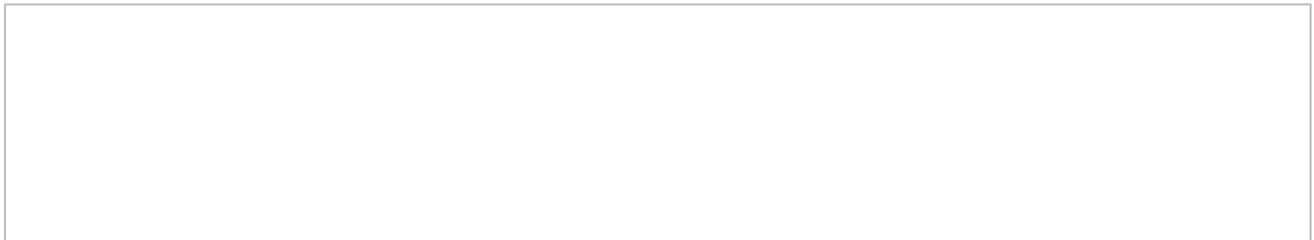
9. Procedures at Second Instance (including organisation of the process, hearings, written procedures, timeframes, case management, including backlog management)

10. Availability and use of Country of Origin Information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

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

Age assessment process continues to be challenging since all cases are currently referred for x-ray without any contact with the child/person in question. Most of the times the only criteria used by the RIC in order to refer a minor to the age assessment procedure is the personal and totally arbitrary decision of its employees, who deem a person's age either by face contact or by looking at the person's registration picture. As there is always a large margin of doubt and the x-ray should be faced only as the last resort, most of the times (+50% cases), the result is not minority; moreover, delays in the process, and the possible adverse impacts (i.e. referral to the Pre-Removal Centre of those deemed as adults by virtue of the first decision, detention with adults, loss of timeframes, i.e. for Dublin III procedures, as illustrated at the following data). The referral to the age assessment procedure occurs even when the person holds a copy or carries a picture of an original document on his phone that proves him being underage. This 'trend' rises serious problems, especially when the RIC holds an age assessment decision that recognizes a person as an adult and at the same time the RAO issues a decision of recognizing the person as a minor, by accepting the original birth certificate during the registration procedure. Regarding this practice, HumanRights360 achieved to file an appeal against an age assessment decision. Thus, after the person's registration to the RAO of Fylakio, presenting his original birth certificate, we succeeded to get an order from the Prosecutor who decided to transfer the minor back to the RIC under protective custody, preventing his further transfer to any other pre-removal center among adults. On the top of these activities a complaint was filed to the Greek Ombudsman for the Children against the differentiated practices which are noticed in procedures, affecting the situation of persons whose age is disputed.

12. Content of protection – situation of beneficiaries 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)



13. Return of former applicants for international protection

In a number of cases, including UASCs & vulnerable persons, there are allegations of informal forcible removals (push-backs) of foreign nationals from Greece to Turkey at the Evros river border. The persons, who alleged that they had been pushed back from Greece to Turkey had again entered Greek territory and had subsequently been apprehended by the Greek police creating a new normality in Evros region as illustrated at the report which was published by HumanRights360 in coordination with Greek Council for Refugees and ARSIS-Association for the Social Support of Youth . Testimonies included at this report substantiate a continuous and uninterrupted use of the illegal practice of push-backs. These testimonies as recorded to the report were also registered to the Network for the children on move under the mandate of the Ombudsman for Minors and were notified to the Greek Ombudsman. The latter reveal an even more alarming array of practices and patterns calling for further investigation; it is particularly alarming that the persons involved in implementing the practice of push-backs speak Greek, as well as other languages, while reportedly wearing either police or military clothing. In short, we observe that the practice of push-backs constitutes a particularly wide-spread practice, often employing violence in the process, leaving the State exposed and posing a threat for the rule of law in the country. Following the report on push backs the Prosecutor of Orestiada has begun a preliminary investigation into the push backed allegations.

14. Resettlement and humanitarian admission programmes including EU Joint Resettlement Programmes; national resettlement programme (UNHCR); National Humanitarian Admission Programme; Private sponsorship programme/scheme and Ad-hoc special programmes)

15. Relocation (any relevant developments concerning persons transferred under the EU relocation programme and relocation activities organised under national schemes/on bilateral basis)

*** 16. Other relevant developments**

1 character(s) minimum

References and Sources

*** 17. Please provide links to references and sources and/or upload the related material in pdf format using the following box**

<https://www.humanrights360.org/the-new-normality-continuous-push-backs-of-third-country-nationals-on-the-evros-river/>

Please upload your file

The maximum file size is 1 MB

Consent for making the input publicly available

* Do you consent on making your input available on the EASO website?

Yes

No

Case law

Please include relevant case law and/or submit cases to [EASO Portal IDS on Caselaw](#)

Contact details

* Name of the contributing stakeholder

HumanRights360

Contact person, Role

* Email

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

Contact

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