

June 20: World Refugee Day
"Real People – Real Needs"

**Assessment and recommendations by the UNHCR Office in
Greece on basic protection issues regarding refugees**

I. "Safety"

Access to Greek territory, organised reception, access to the asylum procedure, respect of the non-refoulement principle.

Current situation

- The increased influx of "mixed migration flows" (refugees and migrants) over the past few years has put intense pressure at entry points (especially the Evros region and the eastern Aegean islands). According to official data, 146,337 foreigners were arrested in 2008 for "illegal entry" (112,364 in 2007, 95,239 in 2006, 40,000 in 2005). Of those, 44,610 were arrested at the land and sea borders with Turkey. Among those arrested were some of the particularly "critical" nationalities: 25,517 Afghans, 15,940 Iraqis and 6,713 Somalis.
- A large number of those who have entered the country irregularly are in need of international protection: refugees fleeing persecution in their homeland or those uprooted due to war and situations of generalised violence that put their life, safety or freedom at risk (such as Afghans, Iraqis, Somalis). However, many of them do not seek international protection (refugee status or subsidiary protection) in Greece. They want to continue their journey to other countries in the European Union for various reasons, including the lack of trust in the Greek asylum system and the way it is implemented in Greece. This, together with the fact that refugees unavoidably use the same routes and methods as economic migrants to cross the border, makes it even more difficult for them to be identified and provided with the protection they duly deserve.
- Only 1.5% of asylum applications in Greece in 2008 was submitted at entry points.
- The lack of suitable reception facilities at the Greek border (including: lack of interpreters, absence or insufficient provision of legal aid, lack of suitably trained staff for the reception and care of these people at entry points) has resulted in exposing people who merit international protection to the risks of: refoulement to Turkey (and from there to their country of origin), detention under extremely problematic conditions or not being transferred to special reception centres that correspond to their needs. Of particular concern to UNHCR is the information received about informal push-backs to Turkey through the Evros border, without having followed the foreseen procedure and without the necessary guarantees to facilitate their unhindered access to the asylum procedure.
- The so called "temporary stay or reception centres" at the border areas are in reality administrative detention centres where all foreigners who enter the country without legalising documents are detained for up to 3 months, while

they await deportation, which in most cases is not feasible. Despite the positive steps taken in the course of the last years, such as the establishment of new centres at Fylakio of Evros and at Vathy of Samos, the majority of those centres do not meet the minimum standards of human rights.

UNHCR Proposals

- Full respect of the principle of non-refoulement / deportation of foreigners meriting international protection. Avoid taking any measures in this direction before efforts are exhausted in order to determine their real needs and claims. On this basis, immediate halt of the practice of “informal push-backs-returns” that according to reports and accusations is indiscriminately enforced upon groups of foreigners (through Evros or the islands to Turkey). For the same reason, avoid returns to Turkey of the newly-arrived, based on the Readmission Protocol, before they have been fully briefed, interpretation and legal aid services have been provided and a proper determination of their needs is completed, especially in the case of foreign nationals coming from war-torn regions or countries that largely “produce refugees”.
- In general, the measures aimed at controlling “illegal” immigration and the policy of Greek authorities of “detering” immigration at the border must be implemented in a way that excludes any possibility of endangering human lives, for all foreign nationals.
- Creation of reception facilities at key entry points where refugees, along with other migrants, arrive (Evros, eastern Aegean islands), at the high standards adopted by other European countries. Dissemination of information to new entrants about their rights and obligations with the help of interpreters (assigned to the police, coastguard and prefectures) and free legal aid provided by the state. Sufficient staffing of experts specially trained in dealing with asylum issues, human trafficking and minors.
- Identification-separation of the different categories of irregular entrants, registration-assessment of the needs of each group, allowing for their suitable treatment and handling (legal, social, medical, psychological support etc). Special protection and care for asylum seekers, torture and human trafficking victims etc and transfer to special reception centres, as foreseen by law. Particularly for unaccompanied minors, substantial activation and enhancement of guardianship rules and immediate transfer to special reception centres for minors. These centres should be reinforced with specially-trained staff and services (of primary importance is the improvement of the centre currently operating at Agiasos in Lesbos for the reception of newly-arrived unaccompanied minors, as well as the creation of more similar centres). In order to achieve the above mentioned goals, it would be useful to spread to other entry points the experience and knowledge acquired by best practices adopted within existing projects funded by the European Union such as the “Aegeas” project and others.
- Secure all prerequisites at entry points that facilitate those who wish to apply for asylum so that they have genuine access to the asylum procedure, with all the guarantees: proper information and legal aid, interpretation in their own language, immediate acceptance and forwarding of their asylum application to the responsible authorities (trained staff, dealing exclusively with asylum cases). Abolishment of all the measures that obstruct or discourage asylum applications at the border (such as prolonged detention of asylum seekers

which has been observed at some entry points, or the delays in the acceptance and processing of applications by police authorities).

- Non implementation of the measure of administrative detention of irregular entrants who submit asylum applications, except for extraordinary reasons, sufficiently justified in each individual case and inline with UNHCR Guidelines. In general, for all irregular entrants temporarily detained by law at entry points, detention conditions must respect their human rights. On this basis, UNHCR calls for permanent suspension of operations of unsuitable facilities used as detention centres (such as the Pagani centre in Mytilini), creation of new centres, where needed, that meet international standards and improvement of existing facilities. Adoption of Set of Operational Rules for all temporary detention centres and access to Non-Governmental Organisations who wish to assist asylum seekers and vulnerable groups.

II. "Protection-Asylum"

Fast, fair and efficient asylum procedure in Greece, through drastic reforms of existing legislation and practices. Increase of the percentage of granting international protection (refugee status and subsidiary protection).

Current situation

- In 2008, 19,884 asylum applications were filed in Greece (25,113 in 2007, 12,267 in 2006 and 9,005 in 2005). Greece is in 8th place in the global ranking of developed countries as regards the submission of asylum applications (5% of the total) and in the 9th place as regards the number of asylum seekers per 1,000 inhabitants. Most of the applications are submitted by Pakistanis (34.77%), followed by Afghans (11.50%), Georgians (11.27%), Bangladeshis (8.9%) and Iraqis (8.85%).
- The rate of refugee status granting in 2008 was 0.05% at first instance (14 positive decisions out of the total 29,573 cases examined) and 10.29% at second instance (344 positive decisions out of the total 3,342 cases). It is obvious that the first instance procedure is not efficient, putting those applying for asylum at various risks (many of them lose their right to appeal for numerous reasons related to this problematic entire procedure).
- Time needed for the examination of applications can vary from a few months to one and a half year at first instance and from one to seven years at second instance. This delay proves at the expense of those who are in genuine need of international protection (indicatively, there is a large number of Iraqis, Afghans, Kurds, Somalis etc who are waiting for years now for a final decision). It also overburdens the procedure with "manifestly unfounded" claims submitted by economic migrants hoping to temporarily legalise their stay in the country. More than 30,000 applications were pending for examination at second instance at the end of 2008.
- Serious problems are observed in the dissemination of information, interpretation (especially at entry points), as well as in the way the interview is conducted, the provision of legal aid, the notification of asylum seekers on decisions etc.
- Highly problematic is the fact that unimpeded access and acceptance/registration of asylum applications is not secured at the Attica Alien's Directorate ("Petrou Ralli" St), which receives more than 90% of asylum applications. As a result thousands of people are forced to form

endless queues each Saturday, while tragic incidents have been recorded involving the death of three people over the past year.

- All the above deter a significant number of refugees from submitting an asylum application or an application for subsidiary protection in Greece, exposing them to all type of risks involved in their “not-legal” stay in the country, while they look for ways to reach other EU countries. When and if they manage to reach their destination and they request for asylum, they are returned to Greece based on the Dublin II Regulation, which foresees as a rule that asylum applications are submitted and examined at the country of first entry.
- For all the above reasons, and due to the serious inefficiencies of the reception and social-welfare systems for asylum seekers, UNHCR published in April 2008 its **Position-Recommendation for not returning**-based on the Dublin II Regulation- **asylum seekers to Greece** who request asylum in other EU countries, until the asylum system is significantly improved in Greece. The UNHCR position **remains valid**.
- The draft Presidential Decree aimed at amending the asylum procedure, does not improve the current situation. On the contrary, it seriously undermines the fair examination of asylum applications, given that: (a) it assigns decision-making responsibility at first instance to Police Directors throughout the country, without securing the necessary guarantees as regards interpretation, the provision of information and legal aid and without the necessary training, know-how, expertise and resources of local police and other authorities, (b) it abolishes the second instance degree of the administrative examination of applications (Appeals Board), without guaranteeing an impartial, substantial and effective remedy in case of a negative decision, in dire opposition to EU legislation and (c) regarding already submitted appeals, it downgrades the role of the existing Appeals Board from a decision-making to simply opinion-giving body.

UNHCR Proposals

- Drastic restructuring of the asylum procedure including the removal of relevant responsibilities from the Police (aside from preliminary registration, identity checks etc at entry points) and gradual transfer to a new body to be created and staffed with specially-trained people.
- Specifically: (a) assign first instance examination of asylum applications and decision-making to an expert political authority (collective body), with decision-making authority, which will be decentralised to specific parts of the country (eg the Regions) and will act under a unified central overseeing authority, providing guidance and supervision, (b) assigning second instance examination and decision-making to an independent appeals body (Appeals Board or Administrative Courts), which will examine and decide on the facts of a case, while appeals will have a suppressive effect and (c) always in coordination with legal control exercised by the Council of State (control on law).
- Safeguard basic guarantees throughout the entire procedure, such as (a) properly trained staff, dealing exclusively with asylum cases, (b) trained and impartial interpretation (in all the necessary languages) and (c) free state legal aid.

- To pursue the above mentioned reforms, a “working group” should be created with participation from various agencies (state and non-state) and the UNHCR, in order to examine the various methods of implementation of the above principles and models, based also on what applies in other EU member states.
- At the same time, and for however long the existing status is maintained, the Ministry of Interior should proceed to the immediate drafting of an action plan, aimed at introducing measures to improve the asylum procedure (such as hiring of interpreters, enhancing the Asylum Department at the Ministry and at the Attica Aliens Directorate, upgrading the interview procedure for asylum seekers, justifying first instance decisions, significantly enhancing the Appeals Board, establishing an *ad hoc* Committee for the examination of the backlog at second instance etc). All these are in line with the recommendations included at the Report of a Joint Working Group of the Greek Ministry of Interior and UNHCR: “*Towards a Fair and Efficient Refugee Status Determination Procedure in Greece*”, conducted in October 2008.
- The immediate and prioritised examination of asylum applications submitted by all unaccompanied minors whose claims are pending at second instance.
- By implementing the above proposals pointing to the direction of a fast, fair and efficient examination of international protection applications, refugee status and subsidiary protection granting percentages will increase.

III. “Shelter-Social Rights-Integration”

Social welfare and care for particularly vulnerable groups, with special emphasis on the issue of shelter. Measures for the integration in Greek society and equal -with Greek citizens- rights for all recognised refugees.

Current situation

- The existing facilities for accommodation and social welfare cover the needs of only a very small number of persons who request for asylum each year. The temporary reception centres for asylum seekers, which operate under the auspices of the Ministry of Health and Social Solidarity and are run by certified NGOs, have today a capacity for 811 people at time when the number of new asylum applications for 2008 reached almost 20,000. A considerable number of these people who seek asylum do not have sufficient funds to support themselves. Based on the Presidential Decree 220/2007, the State is obliged to provide shelter, food and clothes or in absence of these, to provide financial support, and to secure an allowance for daily living expenses.
- While asylum seekers’ basic living needs are not met by welfare provisions as described previously, asylum seekers also meet with serious impediments to accessing employment, despite the fact that the respective right is safeguarded in relevant EU legislation. In contrast to earlier practices, which up to a certain degree covered the living needs of some asylum seekers, today Prefectures refuse to issue work permits for asylum seekers, based on long-inactive legal provisions.
- The result of the above mentioned deficiencies, is that a large number of asylum seekers (among them families, elderly and unaccompanied minors) are left without shelter and have no access to basic social welfare services.

Such cases of homeless and helpless asylum seekers can be seen in overburdened areas like Agios Pandleimonas and Omonoia in Athens or at the makeshift camp in Patras. This situation also breeds other dangers like trafficking and human smuggling, exploitation of minors, or fear for their safety (characteristic is the example of a group of Iranian political refugees under "UNHCR's mandate", found residing at the occupied ex-Appeals Court building due to the lack of accommodation facilities).

- A factor worsening the situation of the non-protected unaccompanied minors is their vulnerability due to their young age, which in conjunction with the lack of space at special reception centres and the ineffective implementation of the guardianship rules, results to the disappearing of children who have been registered by responsible State authorities or NGOs.
- Also, there is a lack of welfare, protection and social-psychological support structures for other vulnerable groups, such as victims of torture or trafficking.
- The support services offered at the scarce reception centres for asylum seekers and unaccompanied minors do not suffice to help them acquire skills and be creative, nor to learn the Greek language or a craft-profession in order to facilitate their integration in Greek society.
- The general and ever worsening negative climate against migrants and refugees, particularly in deteriorating urban areas, as well as the recent phenomena of racist violence, creates additional problems of security and survival for people for whom the state is obliged to provide a decent standard of living, such as asylum seekers.
- Finally, as regards the issue of integration of recognised refugees, the principle of equal treatment with Greek citizens is not upheld, in relation to a series of social and economic rights, on both legal (example: tax exemption for first-time homebuyers) and practical levels.

UNHCR Proposals

- Creation of new reception centres for asylum seekers for as long as their application is being examined (ideally, in or near urban centres so as to facilitate their access to the labour market and to ensure their smooth social integration), and increase in the capacity of existing centres so as to considerably reduce the number of homeless asylum seekers who do not enjoy the rights foreseen for them by European and national legislation. Parallel improvement of conditions in existing reception centres, with emphasis on improving them through the addition of trained staff and support services that will prepare asylum seekers for their potential integration in Greek society. For all the above, long-term planning is deemed necessary, as is securing special funds from the national budget and further benefiting from the use of existing EU programmes and funding.
- Activating the provision of the Presidential Decree 220/2007 regarding the financial allowance for daily living expenses of registered asylum seekers who do not have sufficient funds to support themselves.
- Facilitation of access of asylum seekers to the labour market and subsequent taking of legal measures, particularly in the case of total lack of counterbalancing welfare support.

- Special attention must be paid to unaccompanied minors, with enhancing and improving the support services at special centres operating in different parts of the country under the responsibility of the Ministry of Health and Social Solidarity and the management of NGOs. Immediate creation of new reception centres for minors is necessary in order to significantly increase the number of children who can be accommodated.
- Taking immediate special measures for the support of financially-deprived refugees, elderly or disabled refugees and families with many children etc.
- Upholding the principle of equal treatment, as foreseen by European and national legislation, between Greeks and recognised refugees or beneficiaries of subsidiary protection or humanitarian status or asylum seekers, concerning the enjoyment of civil (e.g. marriage), social and economic rights.
- Measures to support social integration of recognised refugees and the beneficiaries of subsidiary protection or humanitarian status, such as Greek language learning, unimpeded access to all levels of education, access to health and employment and integration into the labour market, so as to limit the phenomena of social marginalisation and to secure their smooth and full integration in society.
- Effective handling of xenophobic and racist phenomena, based on a comprehensive social policy plan for immigration issues, in cooperation with organisations/migrant and refugee communities. This policy should take into account all the parameters of the problem (security, public health, human rights, descent living conditions) and should not be based solely on police measures -which should focus primarily on combating trafficking networks and organised crime. Within this framework, the general issue of shelter in urban centres should become a top priority for local authorities and the State.