

MOBILE INFO TEAM



THE LIVING CONDITIONS OF
APPLICANTS AND
BENEFICIARIES OF
INTERNATIONAL PROTECTION

EVIDENCE OF GREECE'S FAILURE TO
PROVIDE SUSTAINABLE
ACCOMMODATION SOLUTIONS

Feb 2021



Abandoned building used as a squat
Thessaloniki and surroundings
Benji Herren 2021

Abandoned building used as a squat
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MOBILE INFO TEAM

Mobile Info Team (MIT) is a grass-roots organization born in 2016 in Idomeni. Currently located in Thessaloniki, MIT continues providing asylum seekers, beneficiaries of international protection, and people on the move with the most accurate information about the asylum procedure, access to services and provides assistance with family reunification from Greece to other countries. MIT aspires to support individuals caught in an inefficient and complex Common European Asylum System and fight for their rights and dignity in refuge, as well as try to find solutions to the issues they face along the way. MIT has been reporting since 2018 on the precarious living conditions in Greece, collecting testimonies of homeless asylum seekers inhabiting abandoned buildings in Thessaloniki.

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We would like to thank all the people who agreed to share their stories with us, who have invited us into their improvised homes, and allowed us to write about their struggles.



I. INTRODUCTION

Since the spike in arrivals to Europe in 2015, there has been significant research and media coverage of the alarming living conditions for asylum seekers and beneficiaries of international protection in Greece. Most of the focus has been on the bottlenecks in the Aegean Islands and the appalling camp conditions in places such as Moria camp in Lesvos. However, the situation on the mainland has been relatively less investigated, both inside and outside of the emergency camps that were opened following the 2016 closure of the Balkan route. Moreover, homelessness and insecure living conditions are commonplace on both the islands and the mainland.

For those that continue to reside in camps for protracted periods of time, both due to waiting times for asylum applications and to a lack of other housing options, their living conditions become permanent despite the fact that camps were built as “temporary” accommodation and were never meant to function as long-term accommodation facilities. Apart from the obvious lack of dignity and basic humanitarian standards of camp living conditions, they are also closely tied to a plethora of other issues: integration, accommodation facilities often far away from basic facilities and job opportunities.

Therefore, due to lack of alternatives, many asylum seekers have no secure housing options and end up residing in abandoned houses and ruins, renting accommodation informally, living on construction sites, or other forms of insecure living. Although there has been positive developments through the establishment of housing programs such as ESTIA and HELIOS, the scale of these programs has largely remained fixed over the last few years. Therefore, they cannot be expected to absorb large increases of people and large amounts of new arrivals from islands to the mainland. This report demonstrates that the commonly held assumption that recognised recipients of international protection receive more beneficial treatment than asylum seekers is incorrect.

Once individuals are granted international protection the housing situation becomes even more acute. The Greek government has tightened its policy against allowing beneficiaries of international protection to stay in camps or accommodation programs longer

than 30 days after receiving status, with exception for particular vulnerabilities and families with children enrolled in school. The presumption is that at this stage they are able to independently secure accommodation and livelihood opportunities. However, as proper support and integration policies have been widely lacking, the little social assistance the state offers cannot be easily obtained by beneficiaries of international protection due to practical and administrative barriers. Therefore, this legal distinction from asylum seekers heavily disadvantages recognised refugees and beneficiaries of subsidiary protection. It effectively renders the protections granted to beneficiaries of international protection, grounded in the 1951 Geneva Convention and EU law, to something that has little positive or practical bearing on people's living prospects.

The Dublin regulation, which all EU member states (along with Switzerland, Norway, Iceland and Liechtenstein) have signed up to, serves the purpose of determining which member state is to be responsible for each individual asylum claim. Due to the current conditions in Greece and the lack of integration and long-term prospects, many people leave Greece in the hopes of being able to reach other European states with better circumstances. After the MSS vs. Greece ruling, the returns under the Dublin regulation were suspended due to the overall situation in Greece, but were reinstated in March 2017. However, it is easy to argue that the conditions have not improved enough to justify increases in returns to Greece. If anything, it is more imperative now than ever that returns are halted and family reunifications further facilitated, as the housing prospects are urgent and unlikely to improve in the near future.

This report is based on desk research, information collected in the field, correspondence with other service providers in Greece, and testimonies from the beneficiaries of MIT. Much of the information arises from MIT's work of giving information to asylum seekers, refugees and people on the move. The problems analysed are recurring issues that MIT is assisting beneficiaries with.

2. LEGAL PROVISIONS AND RIGHTS TO ADEQUATE HOUSING

2.1 International Law

In international law, the right to a decent standard of living (which encompasses adequate housing) is most prominently enshrined in the 1948 Universal Declaration of Human Rights (UDHR). Article 25 (1) states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control." [1]

Added to this, the principal instrument at the UN level establishing the right to housing is the 1966 International Covenant on Economic, Social and Cultural Rights, which has been ratified by 153 states. Article 11 (1) states that: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." [2]

These rights have been further elaborated upon through General Comments No.4 (1991) and No.7 (1997) which advocated for a broader understanding of adequate housing to also incorporate a degree of tenure security, peace and dignity. It should be noted that the right to housing does not equal a state mandate to build houses, but does necessitate a prompt commitment to take all measures possible given the available resources. Such is mandated in order to prevent homelessness, prohibit forced evictions, tackle discriminatory issues, grant a degree

of tenure security and ensure all housing is of an adequate standard. This usually requires action across governmental levels and direct assistance in some cases, especially for the most vulnerable groups.[3]

Across UN Treaties, there are also other provisions which are relevant to the right to housing, including the International Covenant on Civil and Political Rights (Article 7),[4] the Convention on the Elimination of All Forms of Discrimination against Women (Article 14)[5], the Convention on the Rights of the Child (Article 27) [6], the International Convention on the Elimination of All Forms of Racial Discrimination (Article 5)[7] and the Convention on the Rights of Persons with Disabilities (Article 9 and 28).[8] Greece is a signatory to all of the aforementioned treaties.



Family look out over Thermaic Gulf, Thessaloniki.
Benj Herren 2021

Lastly, the right to housing is covered by Article 21 of the 1951 Geneva Convention, which lays out the responsibility of State parties to provide refugees with the most favourable treatment possible and on the same level as for third country nationals in similar circumstances.[9]

[1] The Universal Declaration of Human Rights (UDHR) United Nations General Assembly adopted by the General Assembly in Resolution 217 , 10 December 1948. Available at <https://www.un.org/en/universal-declaration-human-rights/index.html>

[2] International Covenant on Economic, Social and Cultural Rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. Entry into force 3 January 1976, in accordance with article 27. Available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

[3] Office of the United Nations High Commissioner for Human Rights (OHCHR), The Right to Adequate Housing, Fact Sheet No.21/Rev. I, United Nations, Geneva, 2014. Available at https://www.ohchr.org/Documents/Publications/FS21_rev_I_Housing_en.pdf

[4] International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

[5] Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979. Available at: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

[6] Convention on the Rights of the Child Adopted and opened for signature, General Assembly resolution 44/25 of 20 November 1989. Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

[7] International Convention on the Elimination of All Forms of Racial Discrimination, General Assembly resolution 2106 (XX) of 21 December 1965. Available at: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

[8] Convention on the Rights of Persons with Disabilities, 30 March 2007. Available at: <https://ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

[9] The 1951 Geneva Convention Relating to the Status of Refugees. Available at: <https://www.unhcr.org/3b66c2aa10.html>

2.2 European Law -----

Guarantees on living conditions and access to social rights (including housing) are provided by the European Convention of Human Rights (ECHR) in Articles 3 and 8. The Convention has been ratified by 40 countries, including Greece. In this regard, Article 8 provides the right to family and private life and protection of the home, while Article 3 provides the right to be protected against inhuman and degrading treatment.[10] The ECHR was adopted in 1950, with the Council of Europe acting as its guardian.

The EU Charter of Fundamental Rights, binding on Institutions of the European Union and EU Member States, recognizes a range of personal, civil, political, economic and social rights of EU citizens and residents. While the Charter does not expressly include a right to housing, it recognizes the right to housing assistance. Article 34 (3) provides that 'the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources'.[11]

In European Union law, there are several Directives that address and guarantee material reception conditions for those that seek international protection, including the recast Reception Conditions Directive,[12] and the recast Qualification Directive.[13] The Reception Conditions Directive lays down standards for the reception of asylum seekers while the Qualification Directive ensures a uniform status for refugees or for persons eligible for subsidiary protection. Both Directives provide that such persons have access to the same level of protection regardless of which Member State they lodge their asylum application in. The right to 'material reception conditions' encompassing housing, food and clothing commences from the moment the asylum claim is lodged and includes conditions that 'provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health'.[14] Beneficiaries of international protection are entitled to accommodation under equivalent conditions as other legally residing third country nationals.[15]

The protection of human rights is provided for under both the ECHR and the Revised European Social Charter (RESC), in Articles 13, 30 and 31 of the latter.

Individual complaints with respect to violations of housing rights have been presented under the ECHR, with the Court finding Greece in violation of Article 3 regarding the prohibition of torture as a result of lack of reception conditions for applicants in multiple cases.[16] In *MSS v. Belgium & Greece* in particular, the Court further highlighted the absolute nature of the prohibition of torture, restating that no derogations are allowed regardless of the economic hardship and disproportionate amount of asylum seekers in Greece.[17]



Greek flag flies over Ministry of Foreign Affairs, Thessaloniki
Benj Herren 2021

2.3 Greek Law -----

As ratified by the Greek state on April 5th 1960, the Geneva Convention requires State parties to provide refugees access to housing and afford "treatment as favourable as possible, and in any event, not less favourable than that accorded to aliens generally in the same circumstances." [18] As underscored in Directive 2011/95/EU, there are also requirements for EU Member States to ensure that beneficiaries of international protection have the same opportunities as third country nationals, without discrimination and ensuring equal opportunities when it comes to accessing accommodation.

Article 32 of Directive 2011/95/EU regulating conditions for accommodation for recognized refugees and beneficiaries of subsidiary protection

[10] The European Convention on Human Rights, 4 November 1950. At: https://www.echr.coe.int/documents/convention_eng.pdf

[11] The Charter of Fundamental Rights of the European Union, 2012/C 326/02, OJ 2012. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT&from=EN>

[12] Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, hereafter 'Directive 2013/33/EU'. At: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013L0033&from=EN>

[13] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, hereafter 'Directive 2011/95/EU'. At: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0095&from=EN>

[14] Article 17(2) Directive 2013/33/EU

[15] Article 32(1) Directive 2011/95/EU

[16] *MSS v. Greece and Belgium* (30696/09, 21.01.2011), *FH v. Greece* (78456/11, 31.7.2014) and *Amadou v. Greece* (37991/11, 2016), *AIK v. Greece* (63542/11, 2016), *SG v. Greece* (46558/12, 2017).

[17] *ECtHR, M.S.S. v. Belgium and Greece*, Application No. 30696/09, Judgment of 21 January 2011. Paras 223-224

[18] Article 13 The 1951 Geneva Convention Relating to the Status of Refugees. Available at: <https://www.unhcr.org/3b66c2aa10>

has been incorporated into Greek law through L. 4636/2019[19] (the International Protection Act or the IPA). This provision gives beneficiaries of international protection the same rights to accommodation as third party nationals legally residing in the country.

In force since January 2020, the IPA imposed a 6-month period for recognized refugees to vacate their accommodation through Article 114. However, as amended the following March, new Article 114 provides that beneficiaries of international protection are obliged to leave the accommodation facilities, including hotels and apartments, provided to them by the Greek state within 30 days of receiving notice of a decision granting international protection or a final rejection decision.[20]

Directive 2013/33 provides for the general rules on reception conditions of asylum seekers as implemented in Article 55 of the IPA. This Article imposes an obligation upon the responsible authority for the reception of asylum seekers to ensure that living conditions are available to asylum applicants and that they provide a standard of living that is adequate and that guarantees the subsistence and protects the physical and mental health, with an emphasis on respect for human dignity.[21]

With regards to reception conditions, the International Protection Act provides for special reception conditions for vulnerable asylum seekers. Article 58 enumerates which persons should be considered vulnerable: minors, unaccompanied or not, direct relatives of shipwreck victims (parents and siblings), disabled persons, elderly people, pregnant women, single parent families with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disability and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, such as victims of female genital mutilation.[22].

3. RESEARCH OVERVIEW:

ADEQUATE HOUSING, HOMELESSNESS AND CONDITIONS FOR A DIGNIFIED LIFE



Squat in abandoned building
Mobile Info Team 2018

Abundant research shows that the right to housing is fundamentally interrelated to other human rights, such as the right to work, health, social security and education. Having access to adequate, safe, and secure housing increases the likelihood of individuals enjoying these additional rights. It is well established that the location of housing may compromise employment opportunities and access to certain social services that may be contingent upon proof of residency. Moreover, forced evictions often lead to interrupted schooling for children.[23]

The right to adequate housing illustrates the interdependence of all human rights and can be seen as a foundation from which other legal entitlements can be enjoyed. For example, adequate housing and

[19] Article 33 Law 4636/2019. Νόμος 4636/2019. ΦΕΚ Α 169 - 01.11.2019..Available in Greek at: <https://www.kodiko.gr/nomothesia/document/572171/nomos-4636-2019>

[20] Article 114 Law 4636/2019, amended by Art. 111 of Law 4674/2020. Νόμος 4674/2020 - ΦΕΚ 53/Α/11-3-2020. Available in Greek at: https://www.kodiko.gr/nomologia/document_navigation/606825

[21] Article 55, International Protection Act Law 4636/2019

[22] Article 58, International Protection Act, Law 4636/2019

[23] Office of the United Nations High Commissioner for Human Rights (OHCHR), The Right to Adequate Housing, Fact Sheet No.21/Rev. 1, United Nations, Geneva, 2014.



Sleeping space in an abandoned building
Thessaloniki and surroundings

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Sleeping space in an abandoned building
Thessaloniki and surroundings

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Squat in area of Thessaloniki and its surroundings
Benj Herren 2021

living conditions may be a good indicator of environmental hygiene levels, as well as one's ability to exercise the right to a high level of mental and physical health. This interrelation between the right to housing and the exercise of other rights is well recognised, with the World Health Organization declaring housing the most impactful environmental factor in relation to disease conditions and mortality rates.[24]

The UN Special Rapporteur has labelled homelessness as "perhaps the most visible and most severe symptom of the lack of respect for the right of adequate housing".[25] Families and individuals end up homeless usually due to challenges accessing housing, income and access to support services. Those who are already vulnerable and face inequality and discrimination, including refugees and asylum seekers, are generally the first ones to disproportionately face these challenges[26]. The lack of subsistence and employment is the key cause of homelessness among asylum seekers and beneficiaries of international protection in particular. Even if other factors such as available quality housing, discrimination and other barriers of entry are not present, there still remains a lack of wherewithal to obtain housing. Research on homelessness amongst asylum seekers and beneficiaries of international protection in other countries shows that the lack of integration processes, most notably opportunities to learn the language, are fundamental to these subsistence opportunities and by extension housing[27].

4. ACCOMMODATION AND HOUSING IN GREECE

4.1 Overview of current needs ---

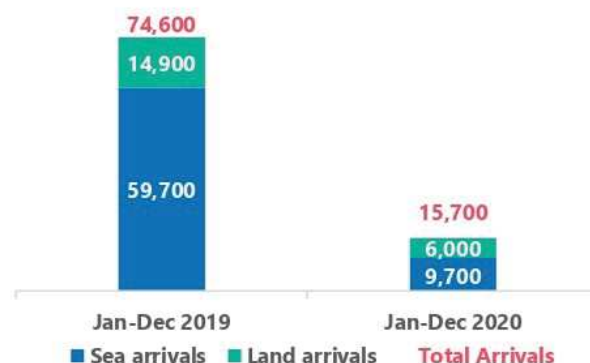
The latest figures from the UNHCR show that there are approximately 119,700 refugees and people on the move in Greece, with 100,600 on the mainland (across camps, apartments and hotels) and 19,100 on the islands.[28] UNHCR has reported a significant increase in the number of people arriving in Greece from 2017 to 2019. In 2019, sea arrivals rose to 59,726 (compared to 32,494 in 2018), while the land arrivals showed slightly lower figures – 14,887 in 2019 compared to the 18,014 in 2018.[29] At the time of writing, 15,700 people had been recorded to have arrived in Greece in 2020 (January-December).[30]

REFUGEES AND MIGRANTS IN GREECE*

119,700

100,600 in the mainland and 19,100 on the islands

Arrivals



* UNHCR estimate as of 31 December 2020 of those who arrived and remained in Greece since the 2015 – 2016 flow .

UNCHR Greece Factsheet, <https://data2.unhcr.org/en/documents/details/84481>

[24] Ibid.

[25] Report of the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, E/CN.4/2005/48, March 2005. At: <https://undocs.org/E/CN.4/2005/48>

[26] Hulchanski, John David. Finding home: Policy options for addressing homelessness in Canada. The Homeless Hub, 2009.

[27] UNHCR, Where is my home? Homelessness and Access to Housing among Asylum-Seekers, Refugees and Persons with International Protection in Bulgaria. Available at: <https://www.refworld.org/pdfid/51b57c864.pdf>

[28] UNHCR Greece Factsheet December 2020. At: <https://data2.unhcr.org/en/documents/details/84481>

[29] UNHCR, Mediterranean Situation. Available at: <https://data2.unhcr.org/en/situations/mediterranean/location/5179> (last update 17 January 2021)

[30] Ibid.

This drop in arrivals likely reflects ongoing international turmoil surrounding the COVID-19 pandemic, rather than a significant shift in the number of people wishing to apply for asylum in Europe. This is supported by a 46% increase in the number of arrivals in August compared to July following relaxation of COVID-19 lockdown measures around the globe. It is also important to note that these figures do not account for the many hundreds of people who arrive in Greece and have not been able to access the asylum procedure, or those who have been pushed back to Turkey before lodging their asylum applications.[31]

The imposition of geographic restrictions on people who arrive on the islands whilst their asylum claim is being processed has placed immense pressure on existing reception centres. Living conditions in the camps on the islands have been found in violation of Article 3 ECHR. Nevertheless, the failing conditions have been repeatedly reported upon since 2016, most notably in relation to access to food, toilet, water, sanitation and security and protection from heat and cold.[32]

The continuous arrival of people on the move to the islands, combined with policies of containment has pushed already dire and overburdened reception and accommodation systems over the edge. The devastating fire which destroyed the Moria Registration and Identification Centre (RIC) on Lesbos in September 2020 drew international attention to the overcrowded camp where over 12,500 displaced people lived in a facility with an official capacity for under 3000.[33] The conditions in Moria and other island RICs have been repeatedly denounced by multiple actors over the last five years. In particular, overcrowding, poor hygiene standards and a lack of access to sufficient healthcare have all been well-documented by Moria residents and NGOs supporting them.[34] The housing capacity and overall conditions in the camps, which continue to deteriorate,[35] have been referred to as "a struggle for survival".[36]

2020 has seen yet another 'unexpected' winter, with people sleeping in tents in freezing temperatures. Combined with the evictions from the ESTIA accommodation program of recognized refugees and the closure of structures that would not be passed on to ESTIA II, CSOs have yet again made an

appeal to Greek authorities and the EU Commission to take pragmatic measures in ensuring that refugees are not evicted and that a lasting strategy for social security and integration is implemented[37].



Lesvos camp, Mobile Info Team

[31] The Guardian, 'Catastrophe for human rights' as Greece steps up refugee 'pushbacks', Peter Yeung, 27 September 2020. Available at: <https://www.theguardian.com/global-development/2020/sep/27/catastrophe-for-human-rights-as-greece-steps-up-refugee-pushbacks>

[32] Stiftung Pro Asyl, Refugee Support Aegean, Legal note on the living conditions of beneficiaries of international protection in Greece. Rights and effective protection exist only on paper: The precarious existence of beneficiaries of international protection in Greece, June 2017. Available at: <https://www.proasyl.de/wp-content/uploads/2017/10/2017-07-28-Legal-note-RSA-BR-final.pdf>

[33] Amnesty International, Greece/EU: Fire destroys Moria leaving 12,500 people without shelter, September 2020. Available at: <https://www.amnesty.org/en/latest/news/2020/09/greece-eu-fire-destroys-moria-leaving-12500-people-without-shelter/>

[34] Council of Europe, Greece must urgently transfer asylum seekers from the Aegean islands and improve living conditions in reception facilities, 31 October 2019. Available at: <https://www.coe.int/en/web/commissioner/-/greece-must-urgently-transfer-asylum-seekers-from-the-aegean-islands-and-improve-living-conditions-in-reception-facilities>

UNHCR, Act now to alleviate suffering at reception centres on Greek islands, 21 February 2020. At: <https://www.unhcr.org/news/press/2020/2/5e4fe4074/act-alleviate-suffering-reception-centres-greek-islands-unhcrs-grandi.html>

[35] Refugee Support Aegean, Refugees trapped on Leros: An exceptionally risky situation, 13 November 2019. Available at: <https://rsaegean.org/en/refugees-trapped-on-leros/>

[36] The New York Times, Greek Refugee Camps Are Near Catastrophe, Rights Chief Warns, 31 October 2019. At: <https://www.nytimes.com/2019/10/31/world/europe/migrants-greece-aegean-islands.html>

[37] Risk of homelessness and destitution for thousands in Greece during winter Statement signed by 73 organizations. 22 December 2020. Published by Help Refugees, Choose Love. Available at: <https://helprefugees.org/news/destitution-in-greece/>

Since the closure of the Balkan route in 2016, the number of people stranded in Greece has increased dramatically. This has been managed by the building of temporary camps on the mainland and through increasing the capacity of UNHCR accommodation programs. As noted by UNHCR in early 2019: "with steady new arrivals reaching the sea and land border and limited legal pathways out of the country, there is an ever increasing need for more reception places for asylum-seekers and refugees, especially children who are unaccompanied and other people with specific needs".[38]

The accommodation situation on the mainland falls far short of expected and acceptable standards. Accommodation centres tend to be far removed from the nearest cities, and the facilities are generally not up to par with expected standards. It is important to also note that many people live outside formal accommodation centres or programmes, as evidenced by the many squats across Greek cities, especially around Athens.[39] Throughout 2019 and



Abandoned building, Thessaloniki and surroundings
Benj Herren 2021

2020 these squats were increasingly targeted and raided by the police.[40] Insufficient alternative housing is provided for the refugees and asylum seekers removed from the squats.

There were repeated statements made last year by

the government regarding moving 10,000 people onto the mainland in a bid to decongest the islands,[41] as well as in relation to plans of closing existing camps and re-placing them with more restrictive reception centers.[42] With this in mind, as well as the fact that numbers of arrivals will most likely rise again after the end of the pandemic, the services and accommodation conditions on the mainland can only be expected to become more pressed. Previous research shows that the current unmethodical and unsystematic approach to migration management is not equipped to handle any significant increases in arrivals.

Movement of people to the mainland has so far been carried out in a sporadic fashion, often as a result of a lack of proper winterisation structures in reception centers. In September 2020 it was reported that over 700 refugees had been transferred from the islands to the mainland, and a further 2300 transfers were planned.[43] This ad-hoc approach to decongestion of the islands remains today, with RSA concluding that they "remain in perpetual 'emergency mode'... leading to an escalation of costs as well as a lack of effectiveness and quality in response to changing needs. Refugee housing has also been hampered by the failure to put in place suitable long-term accommodation solutions".[44]

Some positive steps have been taken, with accommodation programs like ESTIA and HELIOS providing better housing options to especially vulnerable families and embedding integration activities as a core programme component (education, vocational training etc.). Nonetheless, the strict eligibility criteria for the ESTIA program, accompanied by limited spaces and onerous documentation requirements for HELIOS translates to a substantial number of people remaining in precarious conditions either in camps, homeless or other insecure and subpar living arrangements.[45] Additionally, under the IPA amendments, subsidized accommodation and cash assistance for beneficiaries of international protectionis withdrawn 30 days after the notification of the decision or 30 days after the entry into force of the law. Due to refusals to depart from accommodation[46], the IOM added a requirement

[38] AIDA, Country Report: Greece. Types of accommodation, 30 November 2020. Available at: <https://asylumineurope.org/reports/country/greece/reception-conditions/housing/types-accommodation/>

[39] MacroPolis, Is Greece facing a new migration crisis?, 13 September 2019. At: <http://www.macropolis.gr/?i=portal.en.society.8702>

[40] The Guardian, Greek police raid Athens squats and arrest migrants, 26 August 2019. At: <https://www.theguardian.com/world/2019/aug/26/greece-police-raid-athens-squats-exarcheia-arrest-migrants-agency-reports>; Kathimerini, Anarchist squats raided in Athens district of Exarchia, 26 June 2020. At: <https://www.ekathimerini.com/254119/article/ekathimerini/news/anarchist-squats-raided-in-athens-district-of-exarchia>

[41] Aljazeera, Greek plan to deport 10,000 migrants, move thousands to mainland, 30 September 2019. At: https://www.aljazeera.com/news/2019/09/greek-plan-deport-10000-migrants-move-thousands-mainland-190930182446507.html?utm_source=website&utm_medium=article_page&utm_campaign=read_more_links

[42] The New York Times, Greece Announces Steps to Shut Down Notorious Refugee Camps, 20 November 2019. At: <https://www.nytimes.com/2019/11/20/world/europe/greece-migrants-aegean-islands.html>

[43] Infomigrants, Greece to transfer hundreds of refugees from Lesbos to mainland, 28 September 2020. At:

<https://www.infomigrants.net/en/post/27595/greece-to-transfer-hundreds-of-refugees-from-lesbos-to-mainland>

[44] Refugee Support Aegean, Structural Failure: Why Greece's reception system failed to provide sustainable solutions, 18 June 2019. Available at: <https://rsaegian.org/en/why-greece-s-reception-systems-failed-to-provide-durable-solutions/>

[45] Refugee Support Aegean, Recognised but unprotected: The situation of refugees in Victoria Square, 3 August 2020. At: <https://rsaegian.org/en/recognised-but-unprotected-the-situation-of-refugees-in-victoria-square/>

[46] Kathimerini, Bid to move refugees stalls as many refusing to leave, 9 June 2020. At: <https://www.ekathimerini.com/253459/article/ekathimerini/news/bid-to-move-refugees-stalls-as-many-refusing-to-leave>

denying access to the rental subsidies of the HELIOS program to beneficiaries of international protection who did not comply with the eviction decision.

For beneficiaries of international protection, the access to adequate accommodation is and will remain especially pressing. This is because the previous informal approach of the government that had allowed people to stay in ESTIA and camp accommodation is being overturned in favour of strict implementation that forces beneficiaries out of accommodation and requires them to independently secure accommodation and livelihood opportunities.[47] As stated by the Minister for Migration and Asylum in March 2020, “our aim is to grant asylum to those entitled within 2-3 months and from then on we cut any benefits and accommodation, as all this works as a pull factor ... Greece is cutting these benefits. Anyone after the recognition of the asylum status is responsible for himself”. [48]

4.2 Camps and reception centres –

There are a number of different facilities that are generally referred to as camp facilities in Greece. These include Reception and Identification Centres (open facilities within the “hotspot” islands Lesbos, Chios, Samos, Leros, Kos but with geographical restrictions to not move onto the mainland, and Fylakio, in Evros region, at the land border between

Greece and Turkey), Temporary Reception Facilities for Asylum Seekers, and open Temporary Accommodation Facilities (the latter meant to house persons which are subject of return procedures or for whom return has been put on hold).[49]

The IOM December 2020 factsheet outlines 32 open accommodation centres in Greece, out of which one (Korinthos) operated as a transit accommodation site. The accommodation centres have a capacity of 30,520 places for asylum seekers and refugees. The camps on the mainland were built following the closure of the Balkan route in 2016. The mainland camps were meant to perform a temporary function, and similarly to the camps on the hotspots, are not built to fulfil the rudimentary standards for permanent reception conditions, and are in some cases not even on par with minimum standards of dignified living.

The legal basis and management of the mainland camps have been questioned by many key actors. In particular, the transparency of the management and referrals has been deemed by multiple sources to operate in a manner which is oppositional to accountability, regulation and monitoring. In many cases, this exposes beneficiaries to weak security, exploitation and racist attacks.[50]

Apart from offering undignified living conditions and a place that cannot, in a broader sense, function as a home, the core quality of non-permanence impedes

any reasonable integration efforts and opportunities. Other key issues include the lack of proper access to health care, information, and essential documentation, as well as the remoteness of the facilities from urban centres. These elements are vital for any long-term stability and integration.[51]

Think-tank OBC Transeuropas’ calculations of the distance between the camps and the nearest cities and villages shows that most camps are disconnected from the urban fabric of schools, hospitals and administrative services. More than half of the camps are at least 10 km from the closest hospital. These protracted situations of relative isolation and disconnect from



Samos Camp
Mobile Info Team

[47] Stiftung Pro Asyl, Refugee Support Aegean, 2017

[48] Thema, Refugees: Finally, the allowances and benefits to those who have asylum, says Mitarakis, 7 March 2020. Available only in Greek at: <https://www.protothema.gr/greece/article/982128/prosfuges-telos-ta-epidomata-kai-oi-parohes-se-osous-ehoun-asulo-leei-o-mitarakis/>

[49] AIDA, Country Report: Greece. Types of accommodation, 30 November 2020. Available at: <https://asylumineurope.org/reports/country/greece/reception-conditions/housing/types-accommodation/>

[50] Stiftung Pro Asyl, Refugee Support Aegean, 2017

[51] Stiftung Pro Asyl, Refugee Support Aegean, 2017

normal life are detrimental to long-term integration and a sense of self-reliance.[52] Many of these temporary accommodations were established without a legal basis, in remote locations such as old factories and military bases and are not locally governed, with some exceptions. [53]



Lesvos camp, Mobile Info Team

Additionally, from 2016 to 2019, the number of asylum seekers requiring housing and shelter outnumbered the estimated capacity of the Greek government.[54] This has led to very palpable overcrowding of the mainland camps, and has involved tents being set up in the camp area, ad hoc short-term hotel rentals being put in place as temporary winterisation solutions, and documented negative impacts on people's physical and mental wellbeing. Tensions inside camps and safety concerns are a constant of camp existence, with services lacking for vulnerable individuals. In effect, the mainland camps suffer from the same systematic issues stemming from a dysfunctional reception system.

Interviews of beneficiaries conducted by RSA over the past four years presents similar feedback on camp conditions, indicating that over time no significant improvements have been made.[55] The recurring themes of the responses were complaints of overcrowding, unequal housing, isolation from regular society due to camp remoteness, and the worsening of service provisions with the scaling back of UNHCR and NGO camp management. Although no viable long-term strategy to address the poor conditions in the camps has been implemented, a number of emergency and interim accommodation

programs have been established in a bid to shift beneficiaries out of the camps and into housing outside of the island hotspots.

4.3 Accommodation programs ---

Below is an overview of the key accommodation programs open to asylum seekers that operate alongside camps, as well as the only accommodation program available to beneficiaries of international protection, HELIOS. We have focused on the largest programs initiated by the government that have been put in place as a nation-wide strategy, as well as the overall accommodation and livelihood needs of both those in camps and those that have no accommodation at all.

4.3.1 Accommodation programs and monetary assistance

4.3.1.1 ESTIA

In 2015, UNHCR started an accommodation scheme initially meant for those that were taking part in the now defunct relocation programme from Greece to other EU member states. The project evolved into an agreement with the European Commission to fund the building of 20,000 places in open accommodation, and in 2016 was expanded to also include vulnerable applicants and those awaiting family reunification. In 2017, this scheme was integrated into the Emergency Support to Integration and Accommodation (ESTIA) programme, with a focus on urban living provision and cash assistance for people that arrived after 2015. [56] The accommodation was meant to be a temporary option for applicants for international protection, and consisted of apartment rentals in 14 cities and 7 islands across Greece, ensured through implementing UNHCR partner-NGOs.[57]

The latest ESTIA weekly update specifies that its population is made up of 21,219 beneficiaries, amounting to a 95.3% occupancy rate (as of 7

[52] European Data Journalism Network, The problem with refugee camps in Greece, 27 December 2019. Available at: <https://www.europeandatajournalism.eu/eng/News/Data-news/The-problem-with-refugee-camps-in-Greece>

[53] AIDA, Country Report: Greece. Types of accommodation, 30 November 2020. Available at: <https://asylumineurope.org/reports/country/greece/reception-conditions/housing/types-accommodation/>

[54] Refugee Support Aegean, Reception crisis in Northern Greece: Three years of emergency solutions, 22 May 2019. Available at: https://rsaegaeon.org/en/reception-crisis-in-northern-greece-three-years-of-emergency-solutions/#2-3_Recognized

[55] Refugee Support Aegean, Reception crisis in Northern Greece: Three years of emergency solutions, 22 May 2019.

[56] AIDA, Country Report: Greece. Types of accommodation, 30 November 2020. Available at: <https://asylumineurope.org/reports/country/greece/reception-conditions/housing/types-accommodation/>

[57] ARSIS, News, "ESTIA" – the Emergency Support to Integration and Accommodation program, 2018. Available at: <http://www.arsis.gr/en/estia-the-emergency-support-to-integration-and-accommodation-program/>

December 2020). Out of the total population, 14,392 are asylum seekers and 6,827 recognised refugees. On the islands, placed with both the Ministry of Migration and Asylum and UNHCR, there is a population of 1,332 with capacity for 1,399, and a population of 19,887 on the mainland with a capacity for 20,855. Over half of the population (52%) are children.[58] The majority of persons benefiting from the ESTIA program are families with specific needs, such as serious medical conditions or single-parent households.[59]

When the program was set up it was considered an important stepping-stone. Until then, urban housing only consisted of limited apartment rentals, hosting programs and hotel rentals. UNHCR program evaluation shows that the program has come across major implementation issues, such as sourcing accommodation in safe and cost-effective buildings with decent location and battling “xenophobic attitudes in some municipalities”.[60] Nonetheless, ESTIA has been successful in providing better living conditions for beneficiaries. Even so, civil society organisations have been concerned that many people are unable to access the services due to backlogs and a lack of transparency regarding the application of the eligibility criteria.

Prior to September 2020, the UNHCR referral pathway listed the categories of “specific needs” as requirements to be eligible for the programme, such as: unaccompanied or separated child, woman at risk, including woman in pregnancy or having recently given birth, older person, single parent or caregiver with minor children, person with disability, serious medical condition, person with specific legal and physical protection needs, victim of torture, survivor or persons at risk of SGBV, child at risk, LGBTI, persons with a post-traumatic disorder, in particular survivor and relatives of victim of ship-wreck, victims of trafficking in human beings. [61]

Under the UNHCR referral system, the eligibility criteria did not overlap entirely with the “vulnerability” criteria regulated in Greek law 4375/2016. This was later adopted into the IPA excluding some categories, including those who suffer from post-traumatic stress disorder and women who have recently given birth.[62] In addition, the category of “person with specific legal and physical protection needs” seems to encompass



Camp on mainland Greece, Mobile Info Team

vulnerabilities that otherwise might have fallen out of scope. Individuals were unable to apply for the program by themselves, with UNHCR protection officers assigned to identify vulnerable cases in camps on the hotspot islands. The RIS and NGOs could refer vulnerable individuals to the accommodation scheme, with UNHCR protection personnel conducting the final assessment for a person to join the program.

Those fortunate enough to be accommodated under the ESTIA scheme report have not been provided sufficient information and support to obtain documents necessary for long-term integration such as a tax number, social security number or Greek bank accounts. Only 6% of asylum seekers enrolled in the ESTIA program have a Greek bank account, while 49% have an AMKA (social security number) and 55% have an AFM (tax number).[63] These documents are necessary for joining the HELIOS program and obtaining work, demonstrating that the possibility of ESTIA beneficiaries being self-reliant remains uncertain.

As of September 2020, the ESTIA program has been transferred to be managed solely by the Greek Ministry of Migration and Asylum[64]. It had previously been jointly implemented by the UNHCR through local government mechanisms and implementing partner-NGOs.[65] The new eligibility criteria has been updated qualifying that “special reception needs” are only for those considered

[58] UNHCR, ESTIA Accommodation Capacity Weekly Update Factsheet– 7 December 2020. At: <http://estia.unhcr.gr/en/estia-accommodation-capacity-weekly-update-7-december-2020/>

[59] UNHCR. Multi-purpose Cash and Sectoral Outcomes. Case Study: Greece, May 2018. At: <https://www.unhcr.org/5b2cfa1f7.pdf>

[60] UNHCR. Multi-purpose Cash and Sectoral Outcomes. Case Study: Greece, May 2018.

[61] External Version of ESTIA eligibility accommodation criteria provided to the Mobile Info Team, 20 May 2019

[62] See Article 14(8) of Greek Law 4375/2016 listing vulnerable groups: a) Unaccompanied minors, b) Persons who have a disability or suffering from an incurable or serious illness, c) The elderly, d) Women in pregnancy or having recently given birth, e) Single parents with minor children, f) Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, persons with a post-traumatic disorder, in particular survivors and relatives of victims of shipwrecks, g) Victims of trafficking in human beings. Available in English at: <https://www.refworld.org/docid/573ad4cb4.html> Compared to Article 58(1) of Greek Law 4636/2019 listing vulnerable groups: minors, unaccompanied or not, direct relatives of shipwreck victims (parents and siblings), disabled persons, elderly people, pregnant women, single parent families with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disability and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, such as victims of female genital mutilation. Available at: <https://www.kodiko.gr/nomothesia/document/572171>

[63] UNHCR, ESTIA Accommodation Capacity Weekly Update Factsheet– 7 December 2020. At: <http://estia.unhcr.gr/en/estia-accommodation-capacity-weekly-update-7-december-2020/>

[64] Hellenic Republic, Ministry of Migration and Asylum, Program ESTIA II. Available at: <https://migration.gov.gr/en/ris/ylikes-synthikes-ypodoxis/programma-estia-ii/>

[65] Devex, Flavie Halais, Why the EU's flagship refugee program in Greece faces an uncertain future, 30 January 2018. At: <https://www.devex.com/news/why-the-eu-s-flagship-refugee-program-in-greece-faces-an-uncertain-future-91773>

vulnerable by law.[66] The new vulnerability criteria excludes victims of post-traumatic stress disorder and further seems to restrictively interpret who qualifies for ESTIA II. [67] Additionally, in order to be eligible for the program, being self-sufficient or having a care-giver is required as ESTIA II does not have the capacity to fill in those needs, an issue that was raised under ESTIA I.[68]

Many partner NGOs are seeking to distance themselves from the ESTIA II project, citing insufficient funding to ensure dignified conditions in the accommodation for beneficiaries, as well as their refusal to take part in evicting recognised recipients of international protection within the new stringent 30-day time period. Key components of a functional transition are there, yet the short funding cycles and lack of a well-formulated and solid political framework will likely hamper the sustainability and ability of the program to scale up and absorb more beneficiaries.[69] In addition to this, there have been irregularities reported with regards to the NGO-partners joining ESTIA II. NGOs that previously did not exist for public tender and with no revenue have been afforded funding[70] under ESTIA III, adding more doubt as to the Ministry's competence to sustainably take over the accommodation scheme.

4.3.1.2 Cash Assistance

All applicants for international protection in Greece over the age of 18 are entitled to Cash Based Intervention (CBI)[71]. Since April 2017, cash assistance in Greece has been delivered through the Greece Cash Alliance (GCA), a group of partner-NGOs led by UNHCR with funding from the European Commission and in cooperation with the Greek Ministry of Migration Policy. In 2018, GCA was led by UNHCR and consisted of the Catholic Relief Services (CRS) in partnership with Caritas, and the International Federation of the Red Cross and Red Crescent Societies (IFRC) in partnership with Hellenic Red Cross (HRC).[72]

Eligible refugees and asylum-seekers for cash assistance include those who:

- arrived in Greece after 1 January 2015;
- are registered by the Greek authorities and

continue to reside in the country;

- are in possession of a valid official document issued by the Greek Government;
- are above 18 years of age;
- live in designated sites or in rented accommodation (refugees living in informal settlements are excluded from the scheme);
- are not employed with an NGO or UN agency;
- are not employed and receiving a salary.[73]



UNHCR cash card, Yorgos Kynervitis

Cash Based Interventions should offer dignity and choice to beneficiaries. In reality however, the prepaid cards are not associated with a bank account, but are instead connected to a unique UNHCR financial wallet. This means that card beneficiaries cannot transfer money to their own personal account, nor can they use the card as their own bank account. Added to this, attached to the prepaid cards are a number of disciplinary mechanisms. For example, although being provided with a card may give the impression of having freedom to dispose of one's own financial resources, the card cannot be used to directly purchase alcohol, to make online payments or to make payments outside of Greece. Another example is that if asylum seekers are considered to have damaged objects or overused utilities in their accommodation centre, a share of their monthly allowance might be deducted as a form of punishment.[74]

[66] Article 58(4), Law 4636/2019, amended by Law 4686/2020.

[67] Article 58(1): vulnerable persons shall be taken into consideration such as minors, unaccompanied or not, direct relatives of shipwreck victims (parents and siblings), disabled persons, elderly people, pregnant women, single parent families with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disability and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, such as victims of female genital mutilation.

[68] Ministerial Decision 13348/2020 ΦΕΚ Ι 199/Β/7-4-2020. . 07 April 2020. Available at: <https://drive.google.com/file/d/1ZOxD9jJCdw-pY5QKChDSyJk0JP84NeaR/view>

[69] UNHCR Greece, Towards ESTIA II: UNHCR welcomes Greece's commitment to ensure the continuation of flagship reception programme for asylum-seekers, 15 July 2020. Available at: <https://www.unhcr.org/gr/en/15985-towards-estia-ii-unhcr-welcomes-greeces-commitment-to-ensure-the-continuation-of-flagship-reception-programme-for-asylum-seekers.html>

[70] We Are Solomon, Millions in funding at stake for refugee housing, 11 January 2021. Can be accessed at: <https://wearesolomon.com/mag/society/millions-in-funding-at-stake-for-refugee-housing/>

[71] UNHCR, Evaluation of the effects of cash based interventions on protection outcomes in Greece - Final report ES/2018/10, December 2018, p. 6. Available at: <https://www.unhcr.org/research/evalreports/5c9217c87/evaluation-effects-cash-based-interventions-protection-outcomes-greece.html>

[72] UNHCR. Help Greece. Access To Cash Assistance. Available at: <https://help.unhcr.org/greece/living-in-greece/access-to-cash-assistance/> (Accessed 02/02/2021)

[73] UNHCR, The Greece Cash Alliance, November 2017. Available at: <https://www.unhcr.org/5a14306a7.pdf>

[74] Ibid.

According to the financial provider Prepaid Financial Services, the prepaid card system 'is just a temporary financial and humanitarian relief'. Thus, they 'do not see these asylum seekers as potential future clients' because 'most of them will likely be deported to their countries of origin, others won't have the economic means for opening a bank account in Europe or won't match the legal criteria'.[75]

The publication of the new Ministerial Decision in June 2020[76] saw a reduction in cash assistance that mostly affected people residing in catered facilities[77].

Family Size	Catered Old CAA ⁽⁸³⁾ (in Euros)	New CAA	Change (in Euros)	Change %
1	90	75	-15	-17%
2	140	160	20	14%
3	190	160	-30	-16%
4	240	210	-30	-13%
5	290	210	-80	-28%
6	310	245	-65	-21%
7+	330	245	-85	-26%

Family Size	Not Catered Old CAA ⁽⁸³⁾ (in Euros)	New CAA	Change (in Euros)	Change %
1	150	150	0	0%
2	280	320	40	14%
3	340	320	-20	-6%
4	400	420	20	5%
5	450	420	-30	-7%
6	500	490	-10	-2%
7+	550	490	-60	-11%

In addition, under the new International Protection Act, subsidized accommodation and cash assistance allowances are cut within 30 days of receipt of a final decision. While beneficiaries have refused to leave their accommodations within the new legislated term of 30 days, the cash assistance has been interrupted accordingly, leaving vulnerable individuals without means to provide for themselves and their families, including throughout the COVID-19 pandemic.

4.3.1.2 Filoxenia

In November 2020, 72,089 refugees and asylum seekers received cash assistance. As stated by UNHCR, Cash Assistance 'does not cover shelter, which is provided through the accommodation scheme or the government's refugee reception sites'.[79] Vulnerable asylum seekers who find themselves excluded from the ESTIA or Filoxenia programs due to the limited capacity of the accommodation are unable to afford appropriate private housing that satisfies their needs. Additionally on the mainland, it can take months for an asylum seeker's request for cash assistance to be processed even though the entitlement is cut 30 days after a final decision has been received by the applicant. As the above mentioned measures have in effect diminished or interrupted cash based assistance and accommodation, it may be argued that they are in line with governmental policies to reduce support for beneficiaries of international protection.

Filoxenia was an emergency accommodation program funded by the Directorate General Migration and Home Affairs of the European Commission (DG HOME) and was put in place to move 6000 people out of the desperate winter conditions in the Reception and Identification Centers (RICs) and decongest the hotspots on the

Greek islands. The program offered accommodation in hotels and additionally offered key protection services. Its initial span of activity was 1 October 2018 – 30 November 2019.[80]

According to an overview by the European Commission regarding funding provided to Greece from October 2020 the program is still marked as ongoing[81], but the Greek government has announced that the program has been completed in January 2021.[82] Seventy-nine hotels were leased under Filoxenia in 2020. It provided 6,898 places to asylum seekers.[83] The hotels provided basic assistance to beneficiaries, including accommodation, case management and monitoring, and referrals to other services and organisations where needed.[84]

Policy makers that were involved in the set-up and implementation of Filoxenia have concluded that it

[75] Ibid.

[76] Ministerial Decision 2587/2020. Αριθμ. οικ. 16987/2020 – ΦΕΚ Β 2587/26-06-2020. Available at: <https://lawnet.gr/law-news/ori-parochis-ikonimikou-voithimatos-se-etountes-diethni-prostasia-fek-v-2587-2020/>

[77] UNHCR Greece, Access To Cash Assistance, 2020. At: <https://help.unhcr.org/greece/living-in-greece/access-to-cash-assistance/>

[78] CAA - Cash Assistance Amounts

[79] UNHCR Greece, Access To Cash Assistance, 2020.

[80] International Organization for Migration, Temporary Shelter and Protection for the Most Vulnerable Migrants in Greece (FILOXENIA). Available at: <https://greece.iom.int/en/temporary-shelter-and-protection-most-vulnerable-migrants-greece-filoxenia>

[81] The European Commission, Managing Migration: EU Financial Support to Greece, September 2020. At: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/202009_managing-migration-eu-financial-support-to-greece_en.pdf

[82] Press release by the Ministry of Migration and Asylum on 07/01/2021, available at: <https://migration.gov.gr/oloklirosi-toy-programmatos-filoxenias-aitoynton-asylo-se-xenodocheia/>

[83] Kathimerini, Filoxenia program for refugees comes to an end, 8 January 2021. Available at: <https://www.ekathimerini.com/260987/article/ekathimerini/news/filoxenia-program-for-refugees-comes-to-an-end>

[84] Ministry of Migration Policy Decision 6382/2019, Gov. Gazette 853/B/12.03.2019. Available in Greek at: <http://www.nomotelia.gr/photos/File/853B-19.pdf>

was a patch solution to an emergency situation, and carried some of the same design flaws as other similar programs, such as the lack of an exit strategy as well as a lack of a long term, cost-effective plan to continue providing housing for the beneficiaries. The continuous costs of using hotels instead of redirecting funds to the renting of apartments and scaling the reach of the program demonstrates the cost ineffectiveness of this interim solution.[85] Even so, the termination of the Filoxenia program will result in more than 6000 applicants and beneficiaries of international protection requiring alternative housing arrangements. As yet, no substantive or even interim solution has been offered.

4.3.2.1 HELIOS

The HELIOS program is implemented by IOM and its partners[86] on mainland Greece and Crete. The program was planned to operate from June 2019-November 2020, with a heavy focus on integrational and self-reliance efforts of those eligible to join the program. It does this by offering integration activities and courses, as well as support with accommodation and employability.[87] The program was designed to accommodate and assist people who have been granted international protection, and lived in either a camp, a hotel provided in the IOM FILOXENIA project, or were part of the ESTIA accommodation program at the time when the person received the decision to be granted international protection.[88] This requirement specifically excludes refugees that are homeless on the day of their recognition or live in self-funded apartments, as well as individuals whose asylum applications have been accelerated due to their vulnerability and who did not have the chance to be officially registered in a camp or the ESTIA program. To be eligible for the HELIOS program an individual must have been recognized as beneficiary of international protection after 01/01/2018[89].

As of 22 January 2021, 25,541 beneficiaries were enrolled in HELIOS out of which 10319 beneficiaries received rental subsidies upon finding their own housing.[90] The beneficiaries of HELIOS are supported to establish independent living through assistance in finding an apartment and setting up a lease under their name. Beneficiaries over the age of 16 receiving rental subsidies are required to take part

in an integration course offering Greek language classes and a 'soft skills module' encompassing cultural orientation, life skills and employment readiness.

The HELIOS program presents many valuable initiatives that assist recipients of international protection with engagement and integration in Greek society and has been positively received by participants. However, many barriers prevent individuals from accessing the program. An initial barrier to joining the HELIOS program extends from the requirement that beneficiaries must have a Greek bank account. Navigating the Greek social security system in order to obtain documents necessary for opening a bank account is immensely challenging, with information often only available in Greek and limited services and information available online. Little assistance is provided to asylum seekers in obtaining these documents in both camps and ESTIA accommodation[91]. Reports from project coordinators within camps in Northern Greece show that assisting asylum seekers to obtain documents is beyond the purview of many camp authorities and only dealt with informally. Additionally, Greek banks frequently refuse to allow asylum seekers open accounts, a persistent issue repeatedly reported by organizations.[92]

Those that satisfy the onerous eligibility criteria for rental subsidies are required to find suitable accommodation on their own and enter into a lease agreement. This differs markedly from the ESTIA program in which beneficiaries are provided accommodation. The HELIOS program provides beneficiaries with education on the procedure for renting an apartment, interpretation services, matching with other beneficiaries for rental sharing, and facilitation of contracts with apartment owners.[93] However, beneficiaries assert that finding appropriate affordable accommodation close to public services and employment opportunities remains difficult.[94] Additionally, many people report systematic discrimination and being turned away from potential housing by xenophobic landlords.[95]

In order to pay for the rent, the beneficiaries receive a one-off sum to pay for the initial costs of housing such as furniture and deposits, as well as a monthly disbursement that varies depending on the size of

[85] Refugee Support Aegean, Structural Failure: Why Greece's reception system failed to provide sustainable solutions, 18 June 2019

[86] IOM Partners: Catholic Relief Services (CRS), Danish Refugee Council Greece (DRC Greece), Greek Council for Refugees (GCR), Solidarity Now, INTERSOS, Municipality Development Agency Thessaloniki S.A (MDAT), Metadrasi, PLOIGOS, KEDHL. Information available at: <https://greece.iom.int/en/hellenic-integration-support-beneficiaries-international-protection-helios> (Accessed 04/02/2020)

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

[88] IOM Greece, HELIOS. Hellenic Integration Support for Beneficiaries of International Protection. Project Regulations Handbook, July 2020. At: https://greece.iom.int/sites/default/files/Project%20Regulations%20Handbook_ENGLISH_July_1.pdf

[89] Ibid.

[90] IOM Greece, HELIOS Factsheet January 2021, <https://greece.iom.int/sites/default/files/HELIOS%20Factsheet%20January%202021%20V3.pdf>

[91] Generation 2.0, When the Greek banks deprive asylum seekers of their right to work, 16 January 2019. At: <https://g2red.org/when-the-greek-banks-deprive-asylum-seekers-of-their-right-to-work/>

[92] Solidarity Now, Problems in opening bank accounts to asylum seekers, 13 December 2016. At: <https://www.solidaritynow.org/en/problems-opening-bank-accounts-asylum-seekers/>

[93] IOM Partners: Catholic Relief Services (CRS), Danish Refugee Council Greece (DRC Greece), Greek Council for Refugees (GCR), Solidarity Now, INTERSOS, Municipality Development Agency Thessaloniki S.A (MDAT), Metadrasi, PLOIGOS, KEDHL. Information available at: <https://greece.iom.int/en/hellenic-integration-support-beneficiaries-international-protection-helios> (Accessed 04/02/2020)

[94] For example, see Testimonies II and III.

the family. This first sum payment is only provided after the beneficiary has entered into contract with the housing owner. As such, beneficiaries are frequently required to pay deposits and the initial rent before they receive contributions from the HELIOS program.[96] In the experience of the Mobile Info Team, this is a key barrier preventing individuals from participating in the HELIOS program. Many recipients of international protection are unemployed and remain almost wholly dependent upon the cash assistance grant from UNHCR received on a monthly basis during the application process. The monetary contribution is cut within 30 days of receipt of a positive decision and is insufficient to allow beneficiaries to save money for future use.

The deadline to enrol in HELIOS is short; beneficiaries can only enroll in the project up until the last day of the month following the notification of their recognition. For example, for a beneficiary notified of recognition on 11 February 2020, the enrolment deadline is set at 31 March 2020. The short enrolment period is matched by a short eligibility period; beneficiaries are entitled to a maximum of 12 months of rental subsidies.[97]

In September Mobile Info Team had been informed by IOM, the implementing organisation of HELIOS, that beneficiaries of international protection who do not comply with a decision to exit their accommodation (ESTIA, camp or Filoxenia program) will not be eligible to benefit from the rental subsidies of the program.[98] This policy further prevents the outflow of non-compliant cases from official accommodation schemes and reduces the accommodation options available to beneficiaries of international protection.

The HELIOS program is scheduled to run until February 2021. The Helios Handbook states that the continuation of the program is subject to funding continuation.[99] The lack of planning and a long-term strategy illustrates that the program does not represent a sustainable long-term solution to housing for recognised beneficiaries of international protection. The lack of housing security for beneficiaries undermines their ability to engage fully with Greek civic life and may further hamper their access to employment.

4.3.2.2 Social Solidarity Income

The Greek state provides Social Solidarity Income (SSI) to Greek residents living in extreme poverty. This program provides monetary assistance, assistance in accessing social services and goods, and support for integration in the labour market.[100] Whilst recipients of international protection with a valid residence permit are eligible, the program is aimed at Greek nationals. Extensive documentation is required to be eligible for the program, including a tax number, social security number, Greek bank account, current tax declaration, proof of income of the last six months and a rental contract and utility bill in a place rented for at least six months before submitting the application or certificate of homelessness.[101]

In order to obtain all of these documents an individual must have a nuanced understanding of Greek bureaucracy, sufficient command of the Greek language to navigate between different government agencies, or support from a Greek speaker. In the first-hand experience of the Mobile Info Team, these requirements are so onerous that they exclude the vast majority of recipients of international protection from receiving the SSI.

4.4 Homelessness

The homeless as a group have historically been hard to define owing to the plethora of different interpretations used to characterise this group. A legal definition for homeless people was used for the first time in Greek law in Article 29 of Law 4053/2012 as: "those who do not have any or have precarious access to accommodation with basic technical standards, as well as running water and electricity". The procedure for identifying and verifying a person as homeless is not determined by the law, but rather on an ad-hoc basis by municipal services.[102]

New arrivals on mainland Greece encounter a different set of challenges in accessing accommodation. On the hotspot islands, arrivals are intercepted by authorities and immediately registered, resulting in accommodating new asylum seekers in the existent reception and identification centres. Leaving aside the overcrowdedness of the

[95] For example, see Testimonies II, III and IV.

[96] IOM Partners: Catholic Relief Services (CRS), Danish Refugee Council Greece (DRC Greece), Greek Council for Refugees (GCR), Solidarity Now, INTERSOS, Municipality Development Agency Thessaloniki S.A (MDAT), Metadrasi, PLOIGOS, KEDHL. Information available at: <https://greece.iom.int/en/hellenic-integration-support-beneficiaries-international-protection-helios> (Accessed 04/02/2020)

[97] IOM Greece, HELIOS. Hellenic Integration Support for Beneficiaries of International Protection. Project Regulations Handbook, July 2020.]

[98] Information provided in an email from IOM to Mobile Info Team on 17th of September 2020.

[99] HELIOS Hellenic Integration Support for Beneficiaries of International Protection, PROJECT REGULATIONS HANDBOOK

[100] Article 235 Law 4389/2016, ΝΟΜΟΣ 4389/2016 - ΦΕΚ Α 94/27.05.2016. Available at: <https://www.kodiko.gr/nomothesia/document/203369/nomos-4389-2016>

[101] UNHCR Greece. Access to Welfare. Available at: <https://help.unhcr.org/greece/living-in-greece/access-to-welfare/> (Accessed 11/02/2020)

[102] Stiftung Pro Asyl, Refugee Support Aegean, Legal note on the living conditions of beneficiaries of international protection in Greece. Rights and effective protection exist only on paper: The precarious existence of beneficiaries of international protection in Greece. June 2017. Available at: <https://www.proasyl.de/wp-content/uploads/2017/10/2017-07-28-Legal-note-RSA-BR-final.pdf>

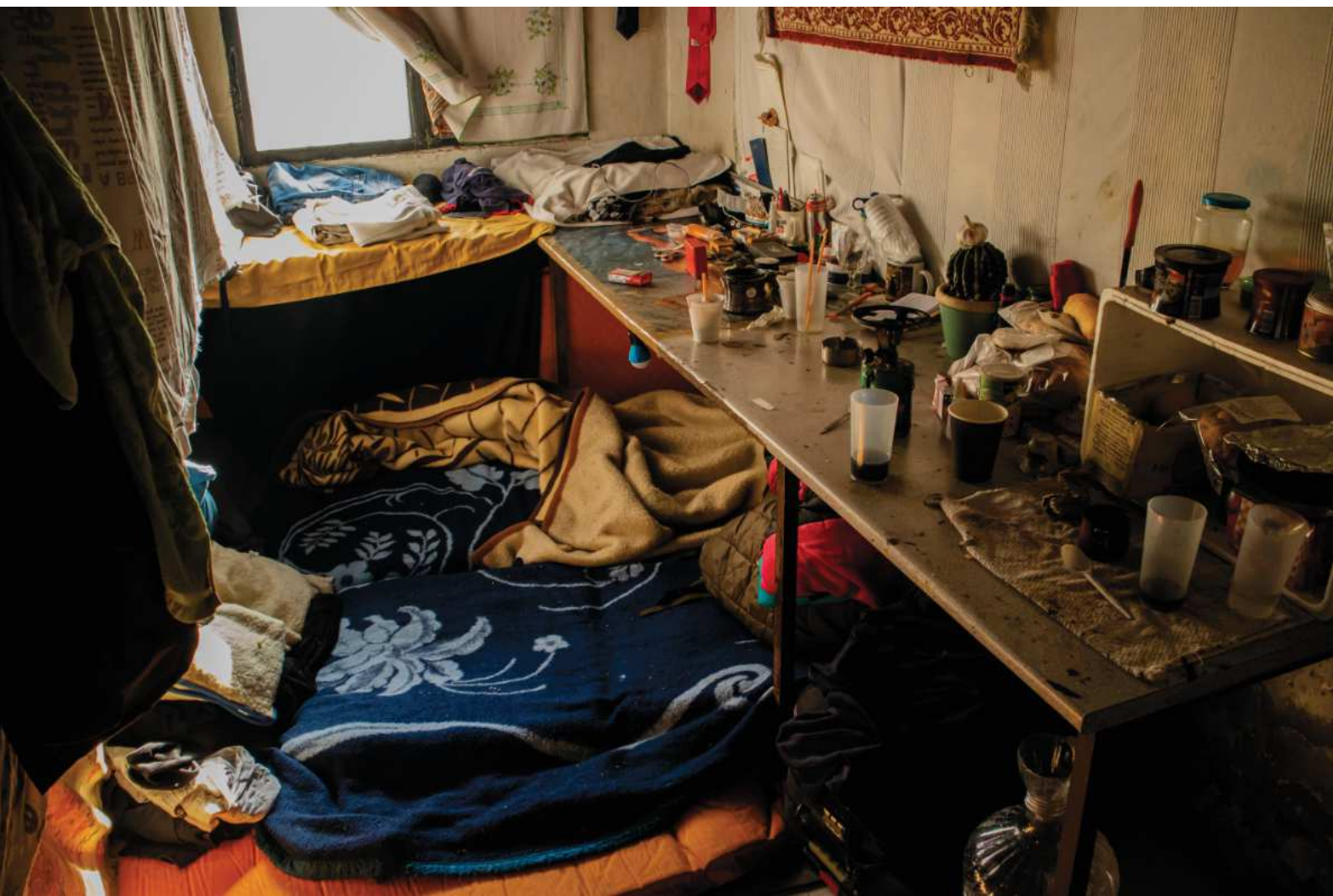


Heating in an abandoned building
Thessaloniki and surroundings

Benji Herren 2021

Living space in an abandoned building
Thessaloniki and surroundings

Benji Herren 2021



reception centers, registered asylum seekers have immediate access to material conditions, healthcare, and, in case of vulnerability, can be referred to accommodation programs such as ESTIA.

On mainland Greece, accessing accommodation for people willing to apply for asylum is a big struggle, as access to the asylum procedure remains a structural and endemic problem. Ability to access the asylum office without an appointment has been challenging. In place since 2014, the Skype system of granting appointments to register an asylum application has not provided a solution.[103] The Greek Ombudsman highlighted that the Skype system 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 actually become part of the problem, rather than a technical solution.[104]

At the end of February 2020, the Turkish President issued a public statement that the Turkish borders with Greece would open, resulting in thousands of people on the move attempting to cross the borders into Greece, both on land and at sea. On the 1st of March, the Greek National Security Council announced the “temporary suspension, for one month [...] of the lodging of asylum claims by all people entering the country illegally” and their “immediate deportation without registration, where possible, to their countries of origin or transit.” No asylum applications were registered in the month of March. At the same time, an international pandemic led to a national lockdown and the suspension of the operations of the asylum offices throughout Greece between 13 March and 15 May. During this period, applications for international protection were not registered.[105] Multiple international organizations and NGOs reacted by reminding the Greek government that the suspension of the right to apply for asylum and the principle of non-refoulement is not permitted under both the 1951 Convention Relating to the Status of Refugees and EU refugee law and demanded access to asylum for those new arrivals in the month of March.[106]

Access to accommodation and other services is dependent on registering an asylum application. Throughout 2020, access to asylum and, consequently to accommodation, has been severely

restricted. Arrivals in 2020 and even earlier, in 2019, have had limited access to apply for asylum or have been arbitrarily deprived from applying; entirely dependent on the availability of the Skype system or successful referrals from organizations to asylum services. Together, with practices of pushbacks of unregistered asylum seekers from inland Greece[107], and from camps such as Diavata[108] (only a few kilometres from Thessaloniki), people on the move have been discouraged from approaching authorities even when displaying vulnerabilities.



Squat in abandoned building
Mobile Info Team 2018

The conditions of precarity people on the move have been exposed to fulfill criteria defining homeless persons: no access to accommodation, or accommodation lacking technical standards. The RICs are several times over capacity, and many residents have been living in informal areas around the official camps.[109] On the mainland, people on the move who have not succeeded in applying for asylum, as well as asylum seekers unregistered in the camps have been informally squatting in camps without access to facilities, such as showers.[110]

On the other hand, beneficiaries of international protection are expected to navigate and secure housing in the same manner as Greek nationals; should they become homeless their only dedicated support services are homeless shelters in Greece. This presents issues due to the limited services also provided for locals. In Greece there is no coordinated,

[103] AIDA Country Report: Greece. Registration of the asylum application, 30 November 2020. Available at: <https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/registration-asylum-application/>

[104] The Greek Ombudsman, Migration Flows and Refugee Protection. Administrative Challenges and Human Rights Issues. April 2017. Available at: https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf

[105] AIDA Country Report: Greece. Registration of the asylum application, 30 November 2020. Available at: <https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/registration-asylum-application/>

[106] UNHCR. UNHCR statement on the situation at the Turkey-EU border. 02 March 2020. Available at: <https://www.unhcr.org/news/press/2020/3/5e5d08ad4/unhcr-statement-situation-turkey-eu-border.html>

[107] Deutsche Welle, Migrants accuse Greece of forced deportations. 21 May 2020. Available at: <https://www.dw.com/en/migrants-accuse-greece-of-forced-deportations/a-53520642>

[108] Refugee Support Aegean, Reception crisis in Northern Greece: Three years of emergency solutions > Diavata. 21 May 2019. Available at: <https://rsaegean.org/en/diavata-camp/>

[109] AIDA. Country Report: Greece. Conditions in reception facilities, 30 November 2020. Available at: <https://asylumineurope.org/reports/country/greece/reception-conditions/housing/conditions-reception-facilities/>

[110] AIDA. Country Report: Greece. Conditions in reception facilities, 30 November 2020.



Abandoned train used as squat,
Thessaloniki and surroundings
Benji Herren 2021

Squat in abandoned building
Thessaloniki and surroundings
Benji Herren 2021



nation-wide policy for tackling and offering social support in relation to homelessness, despite the increasing numbers of both poverty and homelessness. For example, in Athens there are only four homeless shelters. The shelters are extremely overcrowded with long waiting lists.[111] Beneficiaries of international protection face an additional barrier as their access to these shelters is not guaranteed; they are only entitled to accommodation under the same conditions as third country nationals.[112]

According to Mobile Info Team's experience, homeless shelters in Greece request multiple medical exams for admittance in a shelter, such as a blood test, HIV test, X-ray, dermatological exam and psychiatric assessment. At the present moment, a negative Covid test is also required. In practice, these requirements are very difficult to meet for asylum seekers and beneficiaries of international protection due to difficulties in arranging appointments, language barriers and the costs involved. Additionally, several homeless shelters require their beneficiaries to be able to speak basic Greek or English, as no interpretation can be provided. All this makes access to the shelters very challenging and even impossible for most asylum seekers or beneficiaries of international protection. Therefore, homelessness or the constant risk of it due to dangers of eviction in rented accommodation becomes the inevitable outcome for many.

The number of homeless people is difficult to determine due to the lack of systematic identification and verification of homeless people. Generally, a certificate of homelessness is only given by social workers that identify homeless people on the street. Those that live in squats, abandoned places, in houses without running water or electricity, and other insecure housing are largely excluded from these processes. A certificate of homelessness is needed for those that do not have a tax number, certificate of residence, itinerary contract or utility bills (which is most homeless people). Without such, access to various services and provisions becomes inaccessible, including social allowance, free transportation and the ability to open a bank account. A tax number, tax declaration and bank account are also prerequisites for finding a job or for registration at the Employment Agency (OAED) for an unemployment card. The latter requires a rental agreement and does

not accept homelessness certificates, which means that unemployment benefit and free transportation become inaccessible.[113]



Squat in abandoned building, Mobile Info Team 2018

An RSA study of beneficiaries of international protection found many cases of people (including those with vulnerabilities) who had no other option but to sleep on the street after they were returned to Greece from other EU member states; fending for themselves in terms of getting water, food and sanitation. They were given no information or support upon re-entry into Greece. The interviews conducted by the Mobile Info Team support this assessment.[114]

Amendments to the Greek asylum legislation introduced in March 2020 stipulate that beneficiaries of international protection are to vacate accommodation facilities provided to them within 30 days of receiving notice of a decision granting international protection. This short turnaround period presents many challenges for recognised recipients of international protection who are required to quickly source their own accommodation or access the HELIOS program. A grace period has been provided for beneficiaries required to vacate during the COVID-19 lockdown, and particularly vulnerable persons such as women in advanced pregnancy or persons with severe medical conditions were allowed to remain. This grace period falls far short of providing a viable option for recognised beneficiaries' access to long-term accommodation.[115]

[111] AIDA, Country Report: Greece. Housing, 31 November 2020. Available at: https://www.asylumineurope.org/reports/country/greece/content-international-protection/housing#_ftnref6

[112] Article 32, Directive 2011/95/EU

[113] Stiftung Pro Asyl, Refugee Support Aegean, Legal note on the living conditions of beneficiaries of international protection in Greece. Rights and effective protection exist only on paper: The precarious existence of beneficiaries of international protection in Greece, June 2017. Available at: <https://www.proasyl.de/wp-content/uploads/2017/10/2017-07-28-Legal-note-RSA-BR-final.pdf>

[114] For example, see Testimony I

[115] AIDA, Country Report: Greece. Overview of the main changes since the previous report update. Last update: 30 November 2020. Available at: <https://asylumineurope.org/reports/country/greece/overview-main-changes-previous-report-update/>

Some beneficiaries of international protection have refused to exit the ESTIA provided accommodation following the expiry of their eligibility for the program[116].

Those that receive international protection find themselves in a particularly precarious situation by being forced out of accommodation options, as they are also unable to rely on integration efforts and livelihood opportunities that may allow them to access and establish their own accommodation (unless they benefit from Helios). As PRO Asyl noted in their report "upon recognition of their status as beneficiaries of international protection, no information on their rights is provided to beneficiaries, neither is social care, information nor integration measures specially targeted at beneficiaries". This has even included cases of single women with children that were never given any support to get on their own feet after recognition of their status.[117]

A report published by Refugee Support Aegean in August 2020 documents the difficulties faced by many families who were granted international protection and forced to leave the Moria hotspot, ultimately ending up homeless living in Victoria Square in Athens.[118] The beneficiaries were informed that they were required to leave the Moria reception centre and integrate into Greek society. They were advised to apply for the HELIOS program, however no assistance was provided to obtain the documentation necessary to join the program and access other services in Greece. Of primary concern was the inability to obtain a tax identification number (AFM). A certified residential address is required to obtain an AFM, but as the families were now homeless and had no opportunity to get a homelessness certificate, they were unable to access the HELIOS program. In June, beneficiaries were transported from Victoria Square to Elaionas camp and provided assistance to obtain AFM and bank accounts. This interim solution appears to have been offered only to a small group included in the RSA report, as other individuals arriving spontaneously at Elaionas camp were told to return several days later to receive their residence permits.

5. RETURNS TO GREECE

5.1 The Dublin III Regulation ----

The Dublin III Regulation provides which EU Member State is responsible for processing an asylum application. The European Regulation 604/2013[119] sets out the criteria in a hierarchical order to determine which Member State will be responsible for an asylum application: family considerations, recent possession of a visa or residence permit in a Member State, and first EU country of entry. The Dublin system operates on the assumption that asylum seekers enjoy a similar standard of treatment in all EU Member States as the asylum laws and practices are governed by common standards. In reality, asylum legislation and practices vary widely from country to country.[120]



Man looks over Thermaic Gulf, Thessaloniki
Benj Herren 2021

The Dublin Regulation was designed to prevent secondary movement of asylum seekers within the EU and to prevent 'asylum shopping'; the practice of asylum seekers applying in several states or applying in a particular state. When an irregular arrival is detected in a Dublin country, or when a person

[116] Kathimerini, Bid to move refugees stalls as many refusing to leave, 9 June 2020

[117] Stiftung Pro Asyl, Refugee Support Aegean, Legal note on the living conditions of beneficiaries of international protection in Greece. Rights and effective protection exist only on paper: The precarious existence of beneficiaries of international protection in Greece, June 2017. Available at: <https://www.proasyl.de/wp-content/uploads/2017/10/2017-07-28-Legal-note-RSA-BR-final.pdf>

[118] Refugee Support Aegean, Recognised but unprotected: The situation of refugees in Victoria Square, 3 August 2020.

[119] Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in one of the Member States by a Third-Country National or a Stateless Person (recast)

[120] UNHCR, The Dublin Regulation. Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. Available at: <https://www.unhcr.org/4a9d13d59.pdf>

submits their application for asylum, their fingerprints are taken and recorded in the EURODAC database. This database allows EU states to determine responsibility for examination of asylum claims. Under the Dublin system, asylum seekers who travel to another EU nation after having their fingerprints recorded will be returned to the first nation in which they were registered.

5.1.1 Returns to Greece under the Dublin Regulation

In 2019, Greece received twice as many incoming Dublin transfer requests than outgoing requests.[121] Outgoing requests from Greece were primarily family reunification cases, while incoming requests were largely 'take back' requests; that is, other Member States finding Greece as the country responsible for assessing the asylum application on the basis that it was the first country in which the asylum seeker entered the EU or lodged their claim for asylum. In total, Greece received 12,718 take back requests yet only 33 take back transfers were carried out.[122]

The return of asylum seekers from other Member States to Greece under the Dublin Regulation was suspended from 2011 following the *M.S.S. v. Belgium & Greece* ruling of the ECtHR and the Joined Cases C-411/10 and C-493/10 N.S. v. Secretary of State for the Home Department ruling of the CJEU.[123] The *M.S.S. v. Belgium & Greece* judgment was groundbreaking as it deemed the living conditions for asylum seekers in Greece so poor that it would be in direct violation of human rights to return people back to these conditions.[124] In particular, it held that there were systemic deficiencies in the Greek asylum system, resulting in a violation of the fundamental rights of applicants for international protection should they be transferred from other Member States back to Greece.

While the Greek asylum and reception system remained under significant pressure, and no concrete evidence suggested accommodation standards met EU standards, removals based on the Dublin III Regulation were reinstated in March 2017 upon the Recommendation of the European Commission.[125] The Recommendation focused heavily on potential outcomes of the political affairs of the closure of the



Fence in Thessaloniki and its surroundings
Benj Herren 2021

Balkan corridor and launch of the EU-Turkey Statement rather than the material accommodation and reception conditions available to individuals returned to Greece. It has been widely criticised by NGOs and human rights organisations.[126] The Recommendation did however specify that persons belonging to vulnerable groups such as unaccompanied children were to be excluded from Dublin transfers for the time being.[127]

Following the recommendation of the European Commission, there was a significant increase in the amount of take back requests from other member states, which were generally rejected by the asylum service in Greece. In line with previous rulings, they argued that a minimum standard of reception conditions could not be guaranteed and that no permanent and viable burden sharing existed in Europe, which to this day places the chief burden on Greece.[128] In 2019, only 33 people were transferred back to Greece, out of a total of 12,718 take back requests.[129] To carry out the take back, the Greek Dublin Unit must inform the Member State on the availability of accommodation in a reception facility and on the resumption of the asylum procedure for the individual concerned.[130]

The courts of several Member States have ruled against the transfer of asylum applicants back to Greece under the Dublin Regulation. In 2019, the

[121] AIDA, Country Report: Greece. Dublin, 30 November 2020. Available at: <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/procedures/dublin>

[123] ECtHR, *M.S.S. v. Belgium and Greece*, Application No. 30696/09, Judgment of 21 January 2011; CJEU, joined Cases C-411/10 and C-493/10 N.S. v. Secretary of State for the Home Department, Judgment of 21 December 2011. Available at: <http://hudoc.echr.coe.int/fre?i=001-103050>

[124] ECtHR, *M.S.S. v. Belgium and Greece* (Application Number 30696/09) Judgment of 21 January 2011. Para. 359-360.

[125] EU Commission Recommendation of 8 December 2016 addressed to the Member States on the resumption of transfers to Greece under Regulation (EU) No. 604/2013, C(2016) 8525. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation_on_the_resumption_of_transfers_to_greece_en.pdf

[126] Amnesty International, EU pressure on Greece for Dublin returns is "hypocritical", 8 December 2016, available at: <https://www.amnesty.org/en/latest/news/2016/12/eu-pressure-on-greece-for-dublin-returns-is-hypocritical/>; Human Rights Watch, 'EU: Returns to Greece Put Refugees at Risk', 10 December 2016, available at: <https://www.hrw.org/news/2016/12/10/eu-returns-greece-put-refugees-risk>

[127] AIDA, Country Report: Greece. Dublin, 30 November 2020. Available at: <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/procedures/dublin>

[128] Free Movement, Greece is not safe for asylum seekers and refugees to be sent back to, 18 April 2019. Available at: <https://www.freemovement.org.uk/returns-to-greece/>

[129] AIDA, Country Report: Greece. Dublin, Asylum Service, Statistical Data of the Greek Dublin Unit (07.06.2013 - 31.12.2019), 30. November 2020. Available at: <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/procedures/dublin>

[130] AIDA, Country Report: Greece. Dublin, Asylum Service, Statistical Data of the Greek Dublin Unit (07.06.2013 - 31.12.2019), 30. November 2020.

Dutch Council of State ruled that returns to Greece under Dublin cannot take place unless legal aid can be guaranteed to asylum applicants, or unless there are individual guarantees that asylum applicants will be appointed legal representation upon return.[131] Also in 2019, the Administrative Court of Munich suspended the transfer of a Syrian national to Greece as it found the applicant would face chain refoulement to Turkey.[132]

From 18 March onwards, Covid 19 related measures in 2020 saw the suspension of Dublin transfers from Germany. The Federal Office for Asylum and Migration (Bundesamt für Migration und Flüchtlinge - BAMF) also decided to suspend the time limit for transferring the applicants, so that Germany does not become responsible for the asylum procedure whilst transfers are suspended. Some courts have decided in summary proceedings that the time-limit cannot be interrupted as announced by the BAMF. This would mean that the time-limit for transfers could expire in many cases and Germany would become the state responsible to process the applicants' asylum claim.[133]

These recent rulings do not extend specifically from material reception conditions and instead point to more widespread issues within the Greek asylum system. It can be seen that as less than 1% of take back requests were carried out, Greece cannot provide sufficient guarantees to other Member States that appropriate accommodation exists for returned applicants, and/or there remains concerns surrounding the resumption of the asylum procedure.

5.2 Return of recipients of international protection who overstay in other Member States

Beneficiaries of international protection are entitled to travel to, but not settle in, other EU states. Depending upon the type of protection granted, beneficiaries may submit an application to be issued with travel documents or travel with their own national passport.[134] Beneficiaries may remain outside of Greece for up to 90 days during a period of 180 days within the EU states known as the Schengen Zone. If an individual overstays this period,

the state may request them to return to the host country that has granted international protection.[135] If the individual does not agree to voluntarily return to the Member State of which he/she holds a residence permit, a return decision providing for direct return to a third country should be adopted. Alternatively, if a bilateral agreement exists between the two Member States that expressly provides for the return of a third country national holding a valid residence permit it is possible to pass the person back.[136]

In 2019, 627,900 persons were found to be illegally present in the EU and 491,200 were ordered to leave an EU Member State.[137] Data provided by Eurostat does not specify the number of persons requested to return to another EU Member State, or the number of persons returned under a bilateral agreement between two Member States. Similarly, individual states do not provide data on the number of beneficiaries of international protection ordered to return to other Member States. RSA reports that there have been increased efforts over the past year to return recognised refugees to Greece under bilateral agreements between Greece and other Member States.[138] Such agreements ignore the systemic deficiencies of Greece's reception system and the housing available to recipients of international protection and its impact upon many vulnerable beneficiaries.

Information provided by the German Federal Office for Migration and Refugees (BAMF) shows in 2019 that 12,452 applicants for international protection were rejected as inadmissible in Germany on the grounds that they were recognised recipients of international protection in another member state.[139] Whilst no information was provided by BAMF concerning the number of returns to Greece carried out, first hand experience of the Mobile Info Team and other organisations suggests such returns are frequently executed.

As illustrated in the case studies conducted by the Mobile Info Team, and also by the Refugee Support Aegean (RSA), the difficulties faced by recognised refugees who are returned to Greece from other EU Member States are immense. The already precarious situation of many recognised refugees in Greece is only heightened when individuals are returned to Greece following a period in another EU Member

[131] European Database on Asylum Law (EDAL), The Netherlands: Assurances of access to legal aid required in transfers to Greece, 23 October 2019. Available at: <https://www.asylumlawdatabase.eu/en/content/netherlands-assurances-access-legal-aid-required-transfers-greece>

[132] Munich Administrative Court, Decision of 17 July 2019, M I I S 19.50722, M I I S 19.50759; Equal Rights Beyond Borders, Court of Munich again: Turkey is not a safe third country - Is the EU Turkey Deal dead?, 16 August 2019, available at: <https://bit.ly/34HBHh6>

[133] AIDA, Country Report: Germany, 2020. Available at: https://asylumineurope.org/wp-content/uploads/2020/07/report-download_aida_de_2019update.pdf

[134] Article 25 Law 4636/2019

[135] Article 6 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008L0115&from=EN>

[136] Ibm Article 6(2)

[137] Eurostat Explained. Enforcement of immigration legislation statistics. Data extracted in July 2020. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics_on_enforcement_of_immigration_legislation?oldid=264452

[138] Refugee Support Aegean, Reception crisis in Northern Greece: Three years of emergency solutions, 22 May 2019. Available at: https://rsaegrean.org/en/reception-crisis-in-northern-greece-three-years-of-emergency-solutions/#2-3_Recognized

[139] Email from Referat 13B (Unit 13B) of German Asylum Service (BAMF) on 20.07.2020, after Freedom of Information Request on 13.07.2020

[140] Stiftung Pro Asyl, Refugee Support Aegean, Legal note on the living conditions of beneficiaries of international protection in Greece. Rights and effective protection exist only on paper: The precarious existence of beneficiaries of international protection in Greece, June 2017. Available at: <https://www.proasyl.de/wp-content/uploads/2017/10/2017-07-28-Legal-note-RSA-BR-final.pdf>

State; they have often missed opportunities to enrol in vital services (such as HELIOS) and lack documentation to access others. Additionally, returned beneficiaries are given no information or support upon re-entry into Greece.[140] One beneficiary reported that upon his return to Greece from Germany he was refused entry to the HELIOS program and was unable to obtain his residence permit and travel documents that had been confiscated by the German police. Many people have no other option but to sleep on the street and fend for themselves in terms of getting water, food and sanitation.

EU countries are making attempts at suspension of transfers of beneficiaries of international protection to Greece. At the start of 2021, two decisions of the Higher Administrative Court of North Rhine-Westphalia in Germany effectively prevented returns by authorities of beneficiaries of international protection to Greece. The court established that they would be at serious risk of inhuman and degrading treatment and would be in a situation of extreme material hardship if returned.[141]

6. TESTIMONIES

A qualitative approach was most appropriate given the nature and depth of the research and the sensitivities of the group concerned. The Mobile Info Team collected a number of testimonies from asylum seekers and recognized recipients of international protection who sought assistance for an asylum related matter, be that regarding accessing accommodation or other issues. The testimonies were collected by trained volunteers and interpreters through our fieldwork and other outreach channels.

Testimony I, M.H.

The following testimony documents a recognised refugee's removal from Germany to Greece, following M.H. overstaying his right to remain in Germany.

M.H., his wife and four children travelled to Germany in July 2019. They applied for asylum in Germany, however their case was rejected within a month on grounds that the family was already a recipient of international protection in Greece. Six months later, in February 2020, M.H. and his family were deported back to Greece.

The police came to the family's house at 5am in the morning, they shouted at them and took them to the Frankfurt airport in two different cars. They were placed on two different flights to Athens. The German police retained the family's Greek residence permits and travel documents stating they would post the documents to M.H. in Greece.

Upon arrival in Athens, M.H. was reunited with his wife and children. Two officers from the Greek government took M.H. to a room in the airport and sat with him for four hours to complete paperwork. The officers told him they would forward the paperwork. M.H. was offered no assistance to find accommodation for himself, his wife and children, aged 4, 9, 10 and 13.

M.H. and his family stayed in a friends house for a month, occasionally stayed in a mosque and in a park. M.H. sought help from NGOs, however due to the coronavirus shutdown and social distancing measures, NGOs could not assist the family with accommodation. M.H. had been waiting for the German authorities to return the residence permit and travel documents. He was informed the documents were sent to Athens, but when he went to the camp to pick them up the camp authorities refused to release them. M.H. reported the incident to the police.

M.H. tried to access the Helios program but was informed he had missed the deadline for applying. In October 2020 MIT reached out to the respondent. He informed us he is currently homeless and hopes to find a container in a camp that can house him. He has not been able to obtain his residence permit or travel

[141] ECRE News, Greece: Unknown NGO to Receive Substantial EU Funds, Government Admits Lead Contamination in Moria 2.0, German Court Suspends Returns, 26 January 2021, Available at: <https://www.ecre.org/greece-unknown-ngo-to-receive-substantial-eu-funds-government-admits-lead-contamination-in-moria-2-0-german-court-suspends-returns/>

documents.

Date of testimony 29/04/20, additional details added from correspondence 22/10/20

Testimony II, A.A

A.A. and his wife arrived on Samos island in November 2018. In March 2019 they were transferred to an IOM Filoxenia Hotel in Thessaloniki. They were accepted into the Filoxenia program on grounds of his vulnerability, which he elected not to disclose. The Filoxenia Hotel housed over 150 people and while conditions were crowded, the respondent reported feeling safe and satisfied in the accommodation which was hygienic and allowed each family a private room. The couple would have liked to remain at the Filonexia accommodation but were requested to leave after receiving a positive decision.

The social workers of the Filoxenia Hotel called A.A. and informed him he had 30 days to vacate his room. The respondent commenced a stressful and laborious search for accommodation, looking on many different websites, real estate pages and recruiting Greek friends of friends to help. Many landlords refused to rent their property to the respondent upon learning he was a refugee. A.A. emphasised the mental strain of the search, noting the 'many people on the streets in Athens that have positive decisions'.

A.A. was allowed to remain an additional 15 days in the Filonexia accommodation while he arranged his future accommodation. The respondent is particularly thankful to a social worker with IOM who assisted him to open a Greek bank account and thereby make him eligible for the HELIOS program. The couple now reside in a small house far from major cities. This means they are only able to take part in a limited number of the HELIOS language and cultural classes as most of these occur in bigger cities and few are available online. A.A. is employed as an olive picker but hopes one day to move somewhere where there are more employment opportunities, however he is unsure how he will afford such a move.

Testimony III, W.M.

W.M. is a 26 year old recognised refugee from Yemen. He arrived at Lesbos island in May 2018 and was transferred to a Filonexia IOM Hotel in Thessaloniki a few months later. The respondent was not informed about the reason why he was transferred to Thessaloniki, he was simply informed one day his case would be heard in Thessaloniki and that he would be housed by IOM.

In February 2020, W.M. was granted international protection. He reports there was 'no option but to survive yourself' after receiving the positive decision. His cash card was cut 30 days later and he was informed he was eligible for the HELIOS program. The guardians at the IOM Hotel assisted the respondent to open a bank account and showed him the HELIOS

website listing available property.

W.M. was forced to leave the IOM Hotel in March, 30 days after receiving his positive decision and at the beginning of the first coronavirus lockdown. He did not have anywhere to live and lived on the streets for a few days before going to Diavata camp, located near Thessaloniki, and a few weeks later to live with a friend. He searched for three months to find accommodation, noting most of the houses listed on the HELIOS website were too remote and very expensive. W.M. managed to find accommodation through a personal connection and was eligible to start receiving HELIOS rental subsidies from June. The respondent does not benefit from HELIOS' language or cultural courses as he resides away from major cities. Before he was able to find a house to rent and join the HELIOS program, W.M. reported it was incredibly difficult to survive and reports receiving very limited assistance in the process of finding suitable accommodation.

Testimony IV, A.R.H.

A.R.H. is from Afghanistan and arrived in Greece in October 2019. He arrived via the mainland route, staying in Thessaloniki for one night before traveling to Athens and sleeping in Victoria Park for four to five days. While in Victoria Park, A.R.H. lodged his claim for asylum. It was very cold at night in Victoria Park, forcing him to find indoor accommodation, first renting a hotel room and later staying with relatives in Athens.

A.R.H. reports the difficulty he faced attempting to find accommodation. He was rejected from three different camps. Eleonas camp was at capacity both times the respondent visited, Malakasa camp was also full, while at Elefsina camp the respondent was not even allowed inside to enquire about staying there. He was forced to rent rooms with other asylum seekers or to stay with friends. These rooms were often very unhygienic and occasionally disputes broke out between the residents.

The UNHCR Cash Assistance was the sole source of income for the respondent. When A.R.H. received his card he was offered no guidance to find further support. Similarly, little support was offered by NGOs. A.R.H. told us 'I was like a ball in a football game, passed to many different people' but with little help provided. He was unable to obtain an AFM or AMKA for a long period of time and was unable to receive the psychological support desperately needed.

Testimony V, O.H.

O.H. is a single man from Morocco who identifies himself as LGBTQI+ and arrived in Greece in November 2019. O.H. arrived in Thessaloniki via train and spent his first night in Greece at the train station. He reports there were many people staying at the train station, around 50 on his first night. He

successfully lodged his application for asylum very quickly, managing to get through on the Skype line the first time he called.

The respondent remained living at the train station. There was a disused train that many of the asylum seekers and refugees lived in. He had a separate section in a carriage that offered him privacy and warmth. The conditions were better than informally staying in the camps he occasionally visited to use showers. The issue with living in the train was that the police would occasionally conduct raids, force people to leave and check their documents. He lived in the train for two or three months before an NGO that supports LGBTQI+ asylum seekers provided him with a room in a shared apartment.

The NGO provided support to O.H. and other LGBTQI+ individuals he was sharing the apartment with. They assisted the respondent to get an AMKA, AFM and OAED. The respondent reports the apartment is clean and located close to essential services. People who live in the apartment are required to leave within three months after they receive a final decision on their application. The organisation assists them to find new accommodation but they are ineligible for the HELIOS program, since the accommodation provided is not part of the official accommodation scheme. The respondent is extremely happy with his living situation and recognises he is very fortunate; few asylum seekers in Greece have access to the accommodation such as that provided by the NGO supporting LGBTQI+ persons, or are as well supported to obtain necessary documents.

Testimony VI, M.L.

M.L. sought refuge in Greece approximately two years ago. He is originally from Iran and travelled to Greece alone. Shortly after he arrived in Greece, the respondent was taken to a detention facility as the police found him without valid documents. After two days at the detention facility the respondent was moved to Drama camp, a city in Northern Greece.

M.L. describes the conditions in Drama camp as extremely cramped and unhygienic. He was forced to share a container designed for 5 people with 8 or 9 people. Tensions ran high in the overcrowded container. He reports disease spread very quickly through the camp as there were many overcrowded containers in close proximity to each other. The standard of hygiene was very poor and medical services ill-equipped. Sometimes there were not enough doctors and you had to wait over two weeks to see a physician. In his opinion, the doctors often made errors such as prescribing the wrong medicine.

M.L. reports being poorly treated by the guards and officials at Drama camp. The guards pushed around the asylum seekers and were extremely rude, often stopping them from going to the asylum office. This made the respondent angry and upset that the guards would treat other human beings in this way.

After one month at Drama camp the respondent was permitted to leave. His case number was announced over the loudspeakers at the camp and he was called to the office. He was informed he could either go to Thessaloniki or Athens. The respondent was provided no guidance on what to do once he left the camp - he was not informed of any accommodation options in either Thessaloniki or Athens. The respondent had heard of Diavata camp from other asylum seekers, a site located some km far from the centre of Thessaloniki, and so decided to head that way. Diavata is located 150 km from Drama camp.

M.L. went to Diavata camp and was informed that the camp did not register single people. He reports it is possible to informally join the camp by buying a tent and erecting it nearby. After seeing the conditions in the camp, M.L. was adamant he did not want to live there. He reports of extensive narcotic use and open sale of illicit substances. The camp could be a disorderly and sometimes violent place. The respondent was so appalled at the conditions in the camp he did not even spend a night there.

M.L. moved to Thessaloniki and spent a month living at the train station. During this time he sought assistance from a number of different NGOs. Some provided food and others assisted in his search for accommodation. During this time M.L.'s every moment was spent searching for accommodation; he states it is impossible to think of other things such as education when you have no place to live. Eventually, an NGO was able to provide him with a room in a shared apartment. He was only able to receive this room as he has a vulnerability, and even then, it took a month to be provided the accommodation.

M.L. state he was very disappointed at the accommodation options available to asylum seekers in Greece. He says if you have no place to sleep it is impossible to have a calm mind, recover and live your life.

Testimony VII, N.M.

N.M. is a Pakistani national who arrived in Greece alone in October 2015. Upon arrival in Greece he met with a number of people who were from the same region as him. One of the men had been in Greece for some time and had rented a house in a village outside Athens. The respondent was invited to move into the house. Six men shared two rooms, with three people in each room. The accommodation was satisfactorily clean and serviced with modern facilities, however it was one and a half hours from Athens and a long way from services, including medical centres and NGOs. The respondent is currently living with a Greek friend and struggling to find independent accommodation because of the Covid-19 national lockdown and also due to the expense of renting.

When asked why he had never resided in a camp or other accommodation established to support asylum seekers, N.M. replied that according to his information and knowledge the situation in the

camps was very bad and he was afraid to live there.

N.M. received assistance from the Greek Council for Refugees (GCR) after searching for organisations that assist asylum seekers online. GCR informed the respondent he was eligible for cash assistance and assisted him to obtain an AMKA, AFM and open a Greek bank account. He received a positive decision in May 2020 and his cash assistance was cut a month later. N.M. was ineligible for the HELIOS program as he resided in private accommodation at the time of receiving his positive decision.

N.M. is currently unemployed and hoped to receive support from the Greek government. Whilst satisfying the majority of the criteria for Social Solidarity Income (SSI) (AMKA, AFM, Greek bank account and recent tax declaration), he does not have a housing contract in his name making him ineligible for the assistance program. Since June, N.M. has had no support from UNHCR, NGOs or the Greek state, a marked distinction from the support he was receiving whilst applying for asylum.

7. CONCLUSIONS

This report serves to demonstrate the alarming living conditions of asylum seekers and beneficiaries of international protection in Greece. While the appalling conditions on the island hotspots are already well documented, this report illustrates the challenging conditions on the mainland and more poignantly, the limited housing support available to recipients of international protection.

Contrary to widespread belief, beneficiaries of international protection in Greece are entitled to less support than asylum seekers. Asylum seekers are guaranteed minimum social security in line with EU directives, while recipients of international protection are only afforded the same access to social assistance as Greek citizens. In addition to numerous practical and administrative barriers, recipients of international protection find themselves with fewer housing options and social security than applicants. Therefore,

the legal distinction from asylum seekers heavily disadvantages recognised refugees and beneficiaries of subsidiary protection. It effectively renders the protections granted to beneficiaries of international protection, grounded in the 1951 Geneva Convention and EU law, to something that has little positive or practical bearing on people's living prospects.

The introduction and enforcement of a new law requiring beneficiaries to vacate their accommodation within 30 days of receiving notice of their positive decision has had serious ramifications for people on the move. This short turnaround period

presents many challenges to recipients of international protection who are required to quickly source their own accommodation or access the HELIOS program. Numerous administrative barriers impede beneficiaries from being able to source their own accommodation or join HELIOS, such as difficulty obtaining a social security number or tax number, while banks frequently refuse to allow asylum seekers and beneficiaries of international protection to open accounts.

Given the limited social assistance and integration support offered to asylum seekers, and later to beneficiaries of international protection, some people argue that the current Greek government is intentionally sabotaging integration. The adopted measures, together with fast-tracking issuing of travel documents in some locations, seem to indicate an attempt to discourage beneficiaries from settling and integrating in Greece.

Assistance for recognised refugees and beneficiaries of subsidiary protection is ending prematurely before people have effective access to employment, social welfare schemes and documentation such as tax numbers and bank accounts. It is imperative that greater support is provided to asylum seekers to obtain the documents that enable them to actively engage in the Greek community, allowing both access to the workforce and government services.

The capacity of the HELIOS program should be expanded, and similar initiatives aimed at assisting recipients of international protection should be introduced. These programs must be accessible and early assistance must be provided to asylum seekers in accessing Greek documentation. Additionally, greater support should be provided to recipients of international protection as they navigate the Greek rental market for the first time.

