

WITHOUT ESSENTIAL PROTECTIONS

A ROADMAP TO SAFEGUARD THE RIGHTS OF ASYLUM
SEEKERS IN GREECE

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Cover Photo: Asylum seekers attempting to install their own makeshift electricity grid in the Olive Grove of Moria camp. Photo by: Devon Cone.

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SUMMARY

Greece's Reception and Identification Centers (RICs), where asylum seekers arriving to Greece are required to live, are once again making headline news. As the COVID-19 pandemic sweeps the globe, asylum seekers in Greece live in overcrowded centers with minimal access to basic hygiene facilities and running water, and extremely limited access to health care. A number of humanitarian organizations have warned of the "catastrophic" impact of COVID-19 if it were to spread through the RICs.¹

Approximately 35,000 asylum seekers are living in and around these RICs on Greece's Aegean islands, having risked the perilous sea crossing from Turkey in the hope of reaching mainland Europe.² The Greek government requires most asylum seekers to remain on the islands where they first arrived until their asylum cases are decided. However, RICs on certain islands, including Lesbos, Chios, and Samos, are hosting up to nine times as many people as they were built to accommodate. Asylum seekers have been made to wait for years on the islands without basic shelter or access to essential services.

In November 2019, the Greek Parliament passed a law entitled "On International Protection and Other Provisions," intended to address these and other asylum issues. The law aimed to speed up asylum proceedings and decrease overcrowding on the islands by more quickly allowing those granted asylum to move to and settle on the mainland or more quickly returning those denied asylum to Turkey or their home countries. The Greek government's efforts to address the unacceptable conditions on the islands were a welcome development. However, although this law was intended to help decongest the islands, several of its provisions remove or undermine essential protections for asylum seekers.

If the November 2019 law were to be implemented in its entirety, it would increase the use of detention, eliminate safeguards for highly vulnerable populations, and place an unfair burden on asylum seekers by allowing the denial of asylum on technical grounds, such as failure to meet a deadline or record personal information in the prescribed way.

The law complicates family reunification by speeding up the asylum process to such an extent that asylum seekers with close family members in other parts of Europe might receive decisions on their asylum cases before consideration of their family reunification requests. Additionally, the law complicates the appeals process and eliminates the involvement of an independent refugee expert on the committee who reviews appeals applications and whose role in the past has focused on the protection needs of the asylum seeker in question.

The majority of asylum seekers on the islands originate from Afghanistan and Syria, where years of war have driven millions to seek refuge abroad. Legal aid providers estimate that, if processed solely on the substance of their claims, a large majority of asylum seekers on the

1. Laura Spinney, "Fears of Catastrophe as Greece Puts Migrant Camps into Lockdown," *Guardian*, March 21, 2020, <https://www.theguardian.com/global-development/2020/mar/21/fears-catastrophe-greece-migrant-camps-lockdown-coronavirus>.

2. "Statistical Data of the Greek Asylum Service (from 07.06.2013 to 29.02.2020)," Hellenic Republic Asylum Service, accessed March 31, 2020, http://asylo.gov.gr/en/wp-content/uploads/2020/03/Greek_Asylum_Service_data_February_2020_en.pdf.

Aegean islands would be granted asylum. However, under the November 2019 international protection law, there is a very real risk that many people with legitimate claims will be denied asylum due to administrative and technical barriers.

“On International Protection and Other Provisions” was set to take effect in January 2020, but has not been fully implemented. Humanitarian organizations on the ground have reported that some provisions in the law have been enforced, such as accelerated border procedures, which hasten asylum decisions. Other provisions, like immediate access to health care, have not been fully implemented or enforced due to “technical complications.”³ Humanitarian and human rights organizations have pushed back on the law, leading the Greek government to amend it.

In late February 2020, Turkish President Erdogan announced that he would open the western Turkish land border to refugees and asylum seekers, prompting at least 13,000 refugees to gather in the no-man’s land between Turkey and Greece.⁴ In response, Greece announced it would not accept any new asylum applications for one month—a violation of its commitments to international and European Union law. Just a few weeks later, the outbreak of COVID-19 reached pandemic levels, disrupting life across the world. In response to the pandemic, the Greek Asylum Service (GAS) announced that it would suspend all administrative services and not receive new asylum applications until at least May 15, 2020.⁵

Because of these events, both the status of the current law and next steps for implementing or amending it remain uncertain. Further, the Greek government has proposed a new bill that removes protections for asylum seekers and ensures that access to asylum will become even more difficult and restrictive.⁶ The bill has been published for a period of public consultation that will end on April 24, 2020.⁷

When the asylum system resumes operations and Greek asylum law is again put into practice, lawmakers must ensure that the law and its implementation prioritize the needs and rights of asylum seekers. At the same time, European Union (EU) member states cannot simply leave Greece alone. These states must accept responsibility sharing that includes relocating some asylum seekers to other European countries.

Even with EU help, Greece will always be a main entry point for asylum seekers seeking protection in Europe. As such, it is especially important that it implements a comprehensive, fair, and humane asylum system. Whether as laid out by the “On International Protection and Other Provisions” law analyzed in this report or in forthcoming legislation, the laws governing asylum procedures in Greece will continue to have substantial impacts on the lives and safety of asylum seekers currently living in Greece, as well as those who surely will arrive in the future.

3. UNHCR “Greece: Factsheet February 1-29, 2020,” <https://data2.unhcr.org/en/documents/download/74972>.

4. Amnesty International, “Explained: The Situation at Greece’s Borders,” March 5, 2020, <https://www.amnesty.org/en/latest/news/2020/03/greece-turkey-refugees-explainer/>.

5. “Important Announcement For Suspension of Services of the Greek Asylum to the Public in 10 Languages,” Hellenic Republic Ministry of Migration and Asylum Services, April 13, 2020, <http://asylo.gov.gr/en/?p=5314>.

6. “Revelation: What the Ministry of Immigration Plans For the Asylum Process,” Efsyn.gr, April 2, 2020, <https://www.efsyn.gr/node/237574>.

7. “Migration Bill on Asylum Applications Goes on Public Consultation in Greece,” Tornos News, April 11, 2020, <https://www.tornosnews.gr/en/greek-news/society/39702-migration-bill-on-asylum-applications-goes-on-public-consultation-in-greece.html?print>.

RECOMMENDATIONS

Changes to Greek asylum law should do the following:

- Exempt asylum seekers designated as part of vulnerable populations, including unaccompanied minors, from the accelerated border procedures.
- Reinstitute the inclusion of an independent refugee expert on the appeals committee.
- Limit the denial of asylum applications on technical grounds, such as a missed deadline or failure to record a change of address, rather than on the substance of the individuals' claims.
- Discontinue the construction of “closed reception facilities” and ensure that asylum seekers have freedom of movement.
- Make all efforts possible never to detain unaccompanied minors.

Greek asylum authorities should do the following:

- Increase the administrative and legal capacity necessary to implement “On International Protection and Other Provisions” by hiring and properly training additional European Asylum Support Office (EASO) officers, judges, lawyers, and translators.
- Immediately increase the capacity of the Greek health care system and allow all asylum seekers access to health care.

The European Union (EU) and its member states should do the following:

- Pressure the Greek government to ensure that its national asylum legislation is consistent with EU directives and international legal commitments, including the Convention on the Status of Refugees and its Additional Protocol.
- Create a system for the equitable relocation of a significant number of asylum seekers to other EU countries to reduce the number of asylum seekers processed and integrated in Greece.



BACKGROUND

In 2015 and 2016, more than 1 million asylum seekers arrived on the Greek Aegean islands. Primarily from Syria, Afghanistan, and Iraq, they fled to Turkey and then crossed the Aegean Sea to Greece. Most saw Greece simply as the entry point to the European Union (EU)—a brief stopover en route to wealthier European countries that could offer more opportunities. At the height of mass migration in October 2015, the rate of arrivals reached more than 10,000 people in one day.⁸

The EU was unprepared for this influx of asylum seekers and, as the number of arrivals continued to rise, countries in the region began to close their borders. In March 2016,

the EU and Turkey signed a statement of cooperation known as the EU-Turkey deal.⁹ It built upon a joint action plan on migration developed in 2015 and sought to curb irregular migration to mainland Europe from Turkey.

Under the agreement, the EU pledged €6 billion in aid and other benefits to help the Turkish government accommodate the large number of asylum seekers in its country.¹⁰ In exchange, Turkey agreed to accept the return of asylum seekers who had traveled through Turkey to Greece. This transfer scheme was based on the EU's designation of Turkey as a "safe third country," capable of providing refugees and asylum seekers the international protections they are due. However, humanitarian and human rights organizations,

8. UNHCR Regional Bureau Europe, "Refugees & Migrants Sea Arrivals in Europe: Monthly Data Update," June 2016, <https://data2.unhcr.org/en/documents/download/49921>.

9. European Council, Council of the European Union, "EU-Turkey Statement, 18 March 2016," March 18, 2016, <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>.

10. Francesco Guarascio, and Tuvan Gumrukcu, "EU, Turkey in stand-off over Stand-Off Over Funds to tackle new migrant Tackle New Migrant Crisis," *Reuters*, March 6, 2020, <https://www.reuters.com/article/us-syria-security-turkey-eu/eu-turkey-in-stand-off-over-funds-to-tackle-new-migrant-crisis-idUSKBN20T1RH>.

including Refugees International, dispute the EU's assessment that Turkey guarantees protection of refugees and asylum seekers.¹¹

During this period, the Greek government enacted a containment policy mandating that asylum seekers remain on the Aegean islands until they complete their asylum procedures. The policy was meant to facilitate the speedy processing and return of asylum seekers to Turkey and responded to public sentiment in Greece by keeping asylum seekers off the country's mainland. In 2017, mayors from all of the affected Greek islands—Lesvos, Chios, Samos, Kos, and Leros—issued a statement that the containment policy had turned their communities into “island prisons.”¹²

Following a lull, the number of arrivals on the islands surged again in 2019. In September 2019, approximately 10,000 asylum seekers were smuggled to the Aegean islands.¹³ This uptick in arrivals can be attributed to continued insecurity in refugee-producing countries, worsening discrimination against refugees in Turkey, and Turkey's threat to return asylum seekers to their countries of origin.¹⁴ More than 40 percent of arrivals in 2019 and early 2020 were from Afghanistan, and 25 percent from Syria. The majority of those arriving were women and children.

The swell in arrivals has further eroded conditions for asylum seekers on the Greek islands. Overcrowding and the lack

of services have become more acute. Meanwhile, anti-refugee sentiment is rising across Greece, as the host population has grown increasingly frustrated with the national government's failure to manage the situation adequately.¹⁵ Despite the government's intentions to accelerate processing, there were 97,023 asylum applications still pending adjudication by the Greek Asylum Service (GAS) at the end of February 2020.¹⁶

The challenges for those seeking asylum begin as soon as they arrive. Asylum seekers arriving in the Aegean islands must register and reside in one of Greece's open-air Reception and Identification Centers (RICs). At the RIC, an asylum seeker must verify his or her identity and nationality with the relevant authorities. Subsequently, official RIC doctors are supposed to conduct medical examinations. In addition, government-affiliated RIC staff members are supposed to provide asylum seekers information about their rights and, if necessary, determine whether they meet the criteria of a particular vulnerable group.¹⁷

However, because the RICs on the Aegean islands are extremely overcrowded and under-resourced, these protocols often are not followed. Service providers are completely overwhelmed. For example, Moria, the RIC on the island of Lesvos, which was built to accommodate 2,840 people,

11. Izza Leghtas, “The Anniversary of the EU-Turkey Agreement,” Refugees International, March 13, 2017, <https://www.refugeesinternational.org/reports/eu-turkey-agreement>.

12. Helena Smith, “Greek refugee camps ‘beyond desperate’ Refugee Camps ‘Beyond Desperate’ as Islanders Protest in Athens,” *Guardian*, December 6, 2017, <https://www.theguardian.com/world/2017/dec/06/aid-groups-warn-of-looming-emergency-at-greek-asylum-centres>.

13. UNHCR, “Greece: Factsheet November 1–30, 2020,” <https://data2.unhcr.org/en/documents/download/73136>.

14. Eric Reidy, “Briefing: Behind the New Refugee Surge to the Greek Islands,” *New Humanitarian*, October 30, 2019, <https://www.thenewhumanitarian.org/news/2019/10/30/refugee-surge-Greek-islands>.

15. Matina Stevis-Gridneff, “Vigilantes in Greece Say ‘No More’ to Migrants,” *New York Times*, March 7, 2020, <https://www.nytimes.com/2020/03/07/world/europe/greece-turkey-migrants.html>.

16. “Statistical Data of the Greek Asylum Service (from 07.06.2013 to 29.02.2020),” Hellenic Republic Asylum Service, accessed April 13, 2020, http://asylo.gov.gr/en/wp-content/uploads/2020/03/Greek_Asylum_Service_data_February_2020_en.pdf.

17. Greek Council for Refugees, “Reception and Identification Procedure: Greece,” accessed March 31, 2020, <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/reception-and->

RESEARCH OVERVIEW

A Refugees International team traveled to Greece in November and December 2019. The purpose of the visit was to witness the conditions in which asylum seekers were living in the Aegean islands and assess how EU and Greek government policies—including the international protection law, which was soon to take effect—might impact those conditions. The team also conducted follow-up on the recommendations Refugees International made in a 2017 report concerning Greece’s containment policy.¹

The Refugees International team traveled to Athens, Lesbos, Chios, and Samos. Team members interviewed dozens of asylum seekers of varying ages and several nationalities; staff of local nongovernmental organizations (NGOs), international NGOs, UN agencies, and border control agencies; and residents of the host communities. The Refugees International team also met with organizations and individuals in Athens working on migration issues throughout Greece.

1. Izza Leghtas, “Like a Prison’: Asylum-Seekers Confined to the Greek Islands,” Refugees International, <https://www.refugeesinternational.org/reports/2017/greeceasylum>.

is host to more than 18,000. The island of Samos has a Greek population of 6,000 people and is host to more than nearly 7,000 asylum seekers.¹⁸

Because of overcrowding, thousands of asylum seekers are forced to live outside of the RICs in the nearby olive groves, in tents without electricity or running water and with limited access to sanitation facilities. Indeed, asylum seekers throughout the islands have extremely limited access to basic rights and services, including health care, social services, legal assistance, and information about the asylum process. The United

Nations High Commissioner for Refugees (UNHCR) recently described conditions on the islands as “shocking and shameful.”¹⁹

In July 2019, Greece elected Prime Minister Kyriakos Mitsotakis. His center-right New Democracy party vowed to be more effective than previous parties in protecting Greece’s borders and deporting people. To that end, on November 1, 2019, the Greek government passed a new law on asylum entitled, “On International Protection and other Provisions” (hereafter called “the international protection law”).

18. National Picture of the Refugee Situation in Greece, “Αποτύπωση της εθνικής εικόνας κατάστασης για το προσφυγικό/μεταναστευτικό ζήτημα την,” April 9, 2020, <https://infocrisis.gov.gr/8503/apotyposi-tis-ethnikis-ikonas-katastasis-gia-to-prosfygiko-metanasteftiko-zitima-tin-9-4-2020/>.

19. UNHCR, “Act Now to Alleviate Suffering at Reception Centres on Greek Islands—UNHCR’s Grandi,” February 21, 2020, <https://www.unhcr.org/news/press/2020/2/5e4fe4074/act-alleviate-suffering-reception-centres-greek-islands-unhcrs-grandi.html>.



Elderly Afghan asylum seekers waiting for food distribution in Moria Reception and Identification Center. Photo by: Devon Cone.

THE INTERNATIONAL PROTECTION LAW AND ITS IMPLICATIONS

Through the international protection law, officials sought to implement “accelerated border procedures,” among other objectives. These procedures require that asylum claims be adjudicated in no more than 28 days and the rejected asylum seekers be removed from Greek territory. This policy is a significant shift from the previous process, which allowed authorities six months to make first instance decisions, up to eighteen months for exceptional circumstances, and three months to process appeals of rejected claims.²⁰ The Prime Minister and other lawmakers have said that the law is intended to alleviate con-

ditions caused by overcrowding in the RICs and address the concerns of Greek citizens on the islands because host communities have repeatedly called for closure of the reception centers and crackdowns on irregular migration.

Under the international protection law, asylum seekers whose claims are accepted are recognized as refugees and are required to move to the Greek mainland. Meanwhile, the government returns those whose claims are denied to Turkey or their country of origin. The government also planned to replace the RICs with closed reception facilities, thus restricting asylum seekers’ movement on the islands.²¹ According to an official statement, the law aims at “restricting the framework for requesting and granting asylum,” “ending anarchy,” and fixing the “unstructured Greek asylum system.”²²

20. John Psaropoulos, “Greece Says It’s Speeding Up Asylum Cases and Returns,” *Al Jazeera*, February 3, 2020, <https://www.aljazeera.com/news/2020/02/greece-speeding-asylum-cases-returns-200203192935294.html>.

21. Nektaria Stamouli, “Greece to Move Asylum Seekers to Closed Camps,” *Politico*, November 20, 2019, <https://www.politico.eu/article/greece-move-asylum-seekers-closed-pre-removal-detention-camps-aegean-islands-immigration-noria-lesbos/>.

22. ‘ General Secretariat of Information and Communication, “Ο Στ. Πέτσας για τις αποφάσεις του υπουργικού συμβουλίου,”

In fact, the law denies important rights to asylum seekers. It accelerates decision-making at the expense of due process, thus risking forced or premature returns. As signatories to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, all 27 EU member states²³ have committed to offer protection to those fleeing persecution or serious harm in their countries of origin.²⁴ Despite this commitment, the EU's mechanisms for implementing asylum policy, including the Common European Asylum System (CEAS), have operational and legal flaws that result in inconsistent treatment of asylum seekers across the bloc. In the absence of EU action to address these flaws systematically across Europe and as a result improve the situation of asylum seekers in Greece, the Prime Minister of Greece, Kyriakos Mitsotakis, has said, "I'm not going to wait for the EU to implement clear asylum procedures, I have to act now."²⁵

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The Greek government views the international protection law as the answer to what officials have called Greece's "migration problem." Despite attempts to

frame the crisis as purely a migration crisis, a UN staff member in the field told Refugees International that the UN estimates that more than 80 percent of people on the Aegean islands are in need of international protection. In fact, the approval rate for Afghans' asylum claims in Greece in 2019 was 71.3 percent.²⁶ These numbers do not point to a crisis of economic migration. However, Refugees International is deeply concerned that provisions in the international protection law compromise the integrity of the review process, resulting in unmerited rejections of asylum claims.

Although it has provided more than €2 billion in migration assistance to Greece, EU support beyond financial assistance has been limited.²⁷ Member states have not created adequate opportunities for relocation (by which asylum seekers are transferred to another EU country to have their claims processed) or resettlement (by which those granted asylum are integrated into another EU country). The EU's relocation program, which formally ended in 2017, was to relocate 66,400 asylum seekers from Greece and Italy to other EU countries. However, it managed to relocate only 21,731.²⁸

EU member states' failure to step up relocation and resettlement increases the administrative burden on the Greek asylum system. Moreover, without meaningful responsibility sharing, Greece is disincentivized to process asylum applications fairly and grant asylum to those who meet the criteria. The EU should reinstate the relocation program that ended

September 30, 2019, <https://bit.ly/2nZ9cKU>.

23. UNHCR, "States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol," accessed March 31, 2020, <https://www.unhcr.org/en-us/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>.

24. Wouter van Ballegooij, and Cecilia Navarra, "The Cost of Non-Europe in Asylum Policy," European Parliamentary Research Service, October 2018, [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/627117/EPRS_STU\(2018\)627117_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/627117/EPRS_STU(2018)627117_EN.pdf).

25. The Atlantic Council, "Town Hall Conversation with Prime Minister of Greece Kyriakos Mitsotakis," January 7, 2020, <https://www.atlanticcouncil.org/event/a-town-hall-conversation-with-prime-minister-of-greece-kyriakos-mitsotakis/>.

26. Hellenic Republic Asylum Service, "Statistical Data of the Greek Asylum Service (from 07.06.2013 to 31.01.2020),".

27. European Commission, "Managing Migration: EU Financial Support to Greece," July 2019, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/201907_managing-migration-eu-financial-support-to-greece_en.pdf.

28. Greek Council for Refugees, "Relocation Statistics: 22 September 2015–28 January 2018," February 15, 2020, <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/relocation>.





Asylum seekers walking past a British border patrol boat in the port of Mytilini on Lesbos island. Photo Credit: Devon Cone.

Refugees International met with Shakir, a 67-year-old man with diabetes, who had traveled alone from Iraq through Turkey and then to the island of Lesbos. He was living in a tent in the olive groves outside of the formal RIC. Two of Shakir's sons live in Germany. Shakir told Refugees International staff that he would "prefer to have died in Iraq."

Implementation of the international protection law will mean that the asylum cases of people like Shakir—whose chronic illnesses should qualify them for special protections as members of a vulnerable group—may be processed under accelerated border procedures. Further, it means that people like him with close family members in other EU countries may be processed and granted asylum in Greece, where their integration will be much more difficult. For these two reasons, Shakir's case should be given "special procedural guarantees," or distinct consideration because of his situation, as was the case in previous iterations of Greek asylum law. The new law prevents this outcome.

in 2017 and relocate a reasonable number of asylum seekers per country, corresponding to member states' population and gross domestic product.

VULNERABLE GROUPS

In general, the accelerated border procedures do not allow sufficient time for asylum applicants to consult legal counsel or prepare their claims. A lawyer in Lesbos told Refugees International, "The accelerated border procedures make it nearly impossible for asylum seekers to be properly prepared for their interviews. And certainly, most never get legal help or representation; there are just too few of us." The problems that the new procedures present for all asylum seekers, such as difficulty in securing legal aid, are especially acute for those with vulnerabilities.

"The accelerated border procedures make it nearly impossible for asylum seekers to be properly prepared for their interviews. And certainly, most never get legal help or representation; there are just too few of us."

-LAWYER IN LESBOS

Prior to the advent of the international protection law in 2020, an asylum seeker was considered "vulnerable" if he or she could be described as being in one or more of the following categories: minors; persons who have a disability or suffer from an incurable or serious illness; the elderly; pregnant women or those having recently given birth; single parents with minor children; victims of torture, rape, or other serious forms of psychological, physical, or sexual violence or exploitation; persons with a posttraumatic disorder—in particular, survivors and relatives,

specifically parents and siblings, of victims of shipwrecks; and victims of human trafficking. The international protection law removes people with posttraumatic stress disorder and survivors of shipwreck from the list of vulnerable groups.²⁹

The international protection law is in conflict with an EU directive³⁰ intended to ensure fair asylum processing for all vulnerable populations. Before its passage, GAS and the European Asylum Support Office (EASO)—an EU agency that deploys asylum officers to member states to assist in adjudicating asylum claims—were prohibited by the EU’s Asylum Procedures Directive from speeding up the adjudication process of asylum seekers identified as part of a vulnerable group.³¹ This was intended to provide vulnerable asylum seekers access to social assistance and legal aid, despite practical difficulties in accessing these services. Under the international protection law, however, that is no longer the case.³² Under the international protection law, the vulnerability of an asylum seeker does not have an effect on the way in which the Greek authorities process the individual’s asylum case.³³

“Living here in this muddy field that floods all the time and is full of trash is not a life.”

-AFGHAN WOMAN LIVING IN CHIOS

Additionally, vulnerable asylum seekers used to be exempt from the containment policy;

they were allowed to relocate to the mainland. However, the international protection law restricts even vulnerable asylum seekers to the islands. Given the dismal living conditions there and the lack of basic assistance, forcing vulnerable asylum seekers to remain on the islands is callous. Refugees International met a disabled Afghan woman in Chios who explained, “Living here in this muddy field that floods all the time and is full of trash is not a life. I can’t even get to the bathroom without a lot of help because the latrines are so far away, and look at me, I use a crutch. You would think that they could see I need medical care or at least a decent room to live in, but no. To be honest, I am shocked. I thought this was Europe.”

FAMILY REUNIFICATION

The international protection law also subjects people with family reunification cases to the accelerated border procedures.³⁴ The process for family reunification is cumbersome and can take a long time because authorities in both Greece and the receiving country need to verify documents and family links. If subjected to these accelerated border procedures, asylum seekers run the risk of being granted asylum in Greece even if their close family members are in another country. Further, Refugees International met a number of asylum seekers who had family reunification claims but did not know when or how to file them during their registration and asylum review processes. Others had filed seemingly valid family reunification claims but had been told it would take more than a year for them to be reunified.

29. International Protection and Other Provisions, Article 68.

30. Official Journal of the European Union, “Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on Common Procedures for Granting and Withdrawing International Protection (Recast), 2013 EU Article 31 Section 17b,” <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013L0032&rid=3>.

31. 2013 EU Article 31 Section 17b.

32. International Protection and Other Provisions, Article 75.

33. International Protection and Other Provisions, Article 39.

34. International Protection and Other Provisions, Article 90.

The family reunification provision in the international protection law actually risks increasing the administrative burden on Greece because applicants whose claims could be reviewed by the EU state in which they wish to be reunified with family members are processed in Greece instead.³⁵ Clearly, it is problematic to add cases under accelerated procedures when the system is already overburdened and failing asylum seekers.

ARBITRARY DECISIONS FOR ASYLUM SEEKERS

In October 2019, the UNHCR issued a statement about the new law, warning that asylum seekers unable to adhere to certain procedural formalities might have their claims rejected or withdrawn arbitrarily or without being fully examined.³⁶ Applicants can also be denied for missing deadlines, presenting certain information in languages other than Greek, and failing to record a change of address.³⁷

Moreover, at the beginning of March 2020³⁸ the Greek government issued a list of “safe countries”; asylum seekers originating from them may not have their individual claims examined, but must rather submit an appeal identifying why return would endanger them.³⁹ According to international best practices and the EU’s Asylum Procedure Directive, authorities should review each individual case rather than make determinations based on a person’s country of origin. These provisions

in the international protection law also empower Greek authorities to deny asylum applications for inconsequential reasons without even examining the substance of a person’s claim and place the burden on asylum seekers to provide reasons they should not be deported, despite a lack of legal assistance.

The arbitrary denial of protection already was an issue before implementation of the new law and now only stands to get worse.

The arbitrary denial of protection already was an issue before implementation of the new law and now only stands to get worse. The most startling example was the detention and return of 28 asylum seekers because the necessary interpreters were not readily available. Some of the asylum seekers spoke languages as common as Portuguese.⁴⁰ For the government to claim it could not locate a Portuguese translator in Europe is not credible. This kind of decision suggests that the Greek authorities are seeking reasons to deport people rather than providing asylum seekers with fair and adequate reviews of their cases.

35. International Protection and Other Provisions, Article 90.

36. “UNHCR urges, “UNHCR Urges Greece to strengthen Safeguards in Draft Asylum Law,” October 24, 2019, <https://www.unhcr.org/gr/en/13170-unhcr-urges-greece-to-strengthen-safeguards-in-draft-asylum-law.html>.

37. Psaropoulos, “Greece Says It’s Speeding Up Asylum Cases and Returns.”

38. “Greece Publishes List of ‘Safe Origin’ Countries for Asylum Seekers,” *Kathimerini*, March 1, 2020, <http://www.ekathimerini.com/248105/article/ekathimerini/news/greece-publishes-list-of-safe-origin-countries-for-asylum-seekers>.

39. International Protection Bill, Article 86.

40. Chantal Da Silva, “African Asylum Seekers Had Their Claims Rejected Due to ‘Lack of Interpreters,’ Non-Profits in Greece Say,” *Newsweek*, November 25, 2019, <https://www.newsweek.com/asylum-seekers-rejected-due-lack-translation-services-greece-1473899>.



Outer gates of Moria Reception and Identification Center. Photo by: Devon Cone.

DETENTION

The international protection law expands the use of detention and increases the maximum length of time a person can be detained. The law also, in practice, allows for detention decisions to be made by police. Humanitarian workers in Greece told Refugees International that this is problematic not only because detention of asylum seekers should be a last resort, but because Greek police have been known to be xenophobic.

Moreover, the international protection law calls for the existing open-air RICs on the islands of Lesbos, Chios, Samos, Leros, and Kos to be replaced with “closed reception facilities.”⁴¹ These facilities will serve to further

limit the movement of asylum seekers on the Aegean islands, likely requiring them to clock in and out so that authorities can more strictly control asylum seekers and their whereabouts. The government has presented this plan as a solution to the problems on the islands: on February 10, 2020, three days after UNHCR called on Greece to address the appalling conditions on the islands,⁴² the Greek government announced plans to use “emergency” powers to begin building migrant detention centers across the Aegean islands.⁴³

The international protection law also explicitly allows unaccompanied minors to be detained in police stations or pre-removal facilities in “protective custody.”⁴⁴ Detention

41. International Protection and Other Provisions, Article 46.

42. “UNHCR, “UNHCR Calls for Decisive Action to End Alarming Conditions on Aegean Islands,” February 7, 2020, <https://www.unhcr.org/en-us/news/briefing/2020/2/5e3d2f3f4/unhcr-calls-decisive-action-end-alarming-conditions-aegean-islands.html>.

43. Lefteris Papadimas, “Greece speeds up Creation of Migrant Holding Centers to Ease Tension,” *Reuters*, February 10, 2020, <https://www.reuters.com/article/us-europe-migrants-greece-camps/greece-to-speed-up-creation-of-migrant-holding-centers-to-ease-tension-idUSKBN2041HH?il=0>.

44. International Protection and Other Provisions, Article 48.



Tents and a makeshift latrine in the “Olive Grove” area outside the official Moria Reception and Identification Center on Lesbos. Photo by: Devon Cone.

of minors is not acceptable because of its lasting negative effects. It can be especially damaging to unaccompanied minors, who often have experienced significant trauma before arriving in Greece.

An NGO worker in Athens told Refugees International that they have seen cases in which the asylum seekers could not find legal assistance and were denied because the applications did not include the contact details of their lawyers.

APPEALS PROCESS

The international protection law allows up to 30 days for asylum seekers whose claims are rejected to appeal the decisions.⁴⁵ Further, it requires that they state their full grounds for appeal in Greek, using accurate legal terminology, and if they are missing any requirements, their appeals are inadmissible.⁴⁶ These stipulations make professional legal assistance essential in most, if not all, cases. However, there is very little access to legal aid across the islands.

An additional hurdle is that after receiving a negative decision and submitting an appeal, asylum seekers must produce an additional and separate application to prevent their immediate deportation while the appeal is being considered.⁴⁷ Because asylum seekers lack access to legal aid and information, they may be confused about or unaware of this requirement. If they fail to comply, they may be returned to Turkey or to their countries of origin prematurely. Even if the appeals committee grants the person asylum, he or she already might have been returned.

The international protection law also chang-

45. International Protection and Other Provisions, Article 92.

46. International Protection and Other Provisions, Article 93.

47. International Protection and Other Provisions, Article 104.

es the composition of the Asylum Appeals Committee.⁴⁸ This committee, which makes the decision to accept or reject an asylum seeker's appeal, previously included an independent expert on refugee law. This person acted as a safeguard, ensuring that Greek government officials based their decisions on the substance of the applicant's claim. The international protection law eliminates the expert, thus endangering the high standard of decision-making based on international refugee law.

“Most of my friends here have no idea what is going on, what the process is—they are terrified of being sent back.”

-SYRIAN REFUGEE

At the end of 2019, Refugees International met several asylum seekers who were undergoing the appeals process. Even before the Greek government began to implement the new international protection law, asylum seekers did not feel they were undergoing a fair process with adequate safeguards in place. One man from Syria explained, “At first they [GAS] denied my request for asylum because they said that I could go back to Turkey and live there. This is just not possible. My friend told me about a free lawyer who is now helping me, but most of the refugees I know here are not so lucky. Most of my friends here have no idea what is going on, what the process is—they are terrified of being sent back.”

LIMITED CAPACITY

Other factors also create obstacles for fair processing under the international protection law or any future law that might be passed to govern asylum in Greece. More trained personnel must be deployed to the islands, both to increase the efficiency of the asylum process and immediately alleviate the conditions asylum seekers currently face.

Attempts to speed up the asylum process must also be matched with increased administrative and legal capacity. The EU has taken some steps to increase Greece's capacity to process asylum seekers under accelerated border procedures. By the end of 2020, EASO will double the size of its presence in Greece, with 550 EASO personnel working closely with GAS to support reception and asylum processes on both the islands and the Greek mainland.⁴⁹ However, with such a large increase in staffing, it is important that these additional EASO officers are properly trained to make decisions in line with the 1951 Refugee Convention, EU law, and Greek national law.

Training is also needed for Greek police officers and members of the armed forces, who may be called on to conduct initial admissibility interviews in instances of mass arrivals, when large numbers of asylum applications are lodged at the same time. In the past, Greek police have not supported an independent and impartial asylum process. For example, when they were solely responsible for asylum procedures in 2007, Human Rights Watch attributed the dismal 0.04 percent approval rating to the police force's “institutional culture that takes a presumptively negative view of asylum seekers.”⁵⁰ Once again, training should ensure that, even when operating

48. International Protection and Other Provisions, Article 116.

49. European Asylum Support Office, “EASO Operations to Double in Size this Year,” January 7, 2020, <https://easo.europa.eu/news-events/easo-operations-double-size-year>.

50. Human Rights Watch, “Greece: Asylum Overhaul Threatens Rights,” October 29, 2019, <https://www.hrw.org/news/2019/10/29/greece-asylum-overhaul-threatens-rights#>.



Afghan couple outside of their tent on the island of Chios near the Vial Reception and Identification Center. Photo Credit: Devon Cone.

on an accelerated timeline, officials make decisions in accordance with all relevant domestic and international laws.

There is also an enormous shortage of lawyers available to provide legal representation for asylum seekers on the islands. The government has failed to fulfill its requirement under Greek law to appoint a lawyer for each asylum seeker. Instead, a handful of legal aid NGOs try to fill the gaps in legal services. In December 2019, it was reported that only two out of every 100 asylum seekers could access free legal aid.⁵¹ Moreover, a lawyer on the island of Lesbos told Refugees International that there were only 30 judges for 17,000 asylum seekers.

There are also extreme shortages of medical professionals, social workers, psychologists, and guardians for unaccompanied minors on the Aegean islands. At the end of 2019, a humanitarian worker told Refugees International that there was just one doctor available to serve more than 7,000 asylum seekers in Samos, and two in the Moria RIC for the more than 19,000 on the island of Lesbos. Given that overcrowding and unsanitary conditions on the islands lend themselves to the spread of infection and disease, such limited access to health care is startling.

In fact, asylum seekers in Greece do not have formal access to health care. The international protection law stipulates that asylum seekers receive an identification number, akin to a social security number, granting them access to an insurance and health care scheme for third-country nationals (PAAYPA is its Greek acronym). While the PAAYPA system became operational in the first week of April 2020, it has not been fully implemented and many asylum seekers still

do not have access to healthcare outside of the RICs. The new health care scheme also leaves the portion of the population that arrived between July 2019 (when the previous system was dissolved) and November 2019 (when the new system was approved) without an identification number that would allow them access to public health care.

Further, the new law requires the Greek health system to identify substantial health-related issues relating to asylum claims at a rate that cannot be accomplished, given its current capacity. For example, it requires victims of torture, a designated vulnerable group, to have their claims substantiated by a physician in the Greek health system. However, few Greek physicians have the relevant certification to do so.⁵² The Greek government must increase the capacity of the health care system in the short term, to provide asylum seekers with immediate care, and in the long term, during the implementation of the international protection law.

CONCLUSION

It is no surprise that Greece's ostensible reform of its asylum process in the form of the law, "On International Protection and other Provisions," is, in fact, highly restrictive. As part of his election campaign, Prime Minister Kyriakos Mitsotakis—elected in July 2019—promised to end the surge of migrants into Greek territory. In November 2019, Mitsotakis stated, "Welcome in Greece are only those we choose...We will permanently shut the door to illegal human traffickers, to those who want to enter although they are not entitled to asylum."⁵³

51. Marion Bouchetel, "No-Rights Zone," Oxfam, December 6, 2019, <https://www.oxfam.org/en/research/no-rights-zone>.

52. International Protection and Other Provisions, Article 61.

53. Renee Maltezou, and Lefteris Papadimas, "Greece to 'Shut the Door' to Migrants Not Entitled to Asylum, PM Says," Reuters, November 22, 2019, <https://www.reuters.com/article/us-europe-migrants-greece/greece-to-shut-the-door-to-migrants->

Given the current conditions for asylum seekers and the backlog of asylum cases awaiting decisions, the Greek government needs to act urgently. Processing cases more quickly is welcome—human rights groups, including Refugees International, have for years called for faster adjudication of claims. However, it is important to ensure that this acceleration does not come at the expense of critical safeguards. Asylum seekers must undergo a fair process in which they have the time and resources to secure legal aid and prepare their documents while receiving basic psychosocial and medical care.

respond accordingly and receive support from the rest of the EU to expand the entire region's capacity to receive, relocate, and resettle asylum seekers. In doing so, it is vitally important that policies and procedures do not prevent asylum seekers from accessing their human rights or receiving international protection.

However, it is important to ensure that this acceleration does not come at the expense of critical safeguards.

Greece is unable to receive, process, and integrate the large numbers of asylum seekers arriving from Turkey. Now, with border closures worldwide due to the rapid spread of COVID-19 and Greece's own asylum processing having been suspended for the last month, the situation is even more complicated. However, most of these asylum seekers arrive from war-torn countries and qualify for international protection by virtue of Greek, EU, and international law. While taking appropriate safety measures to prevent and respond to COVID-19, Greece must alter its asylum law to ensure that the country upholds its commitments to protect those seeking safety.

As passed, the law aims to limit the number of asylum seekers who arrive and stay in Greece but fails to establish essential safeguards in the asylum process. Greece must

not-entitled-to-asylum-pm-says-idUSKBN1XWICJ.



Moria Reception and Identification Center on Lesvos island. Photo Credit: Devon Cone.

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ABOUT REFUGEES INTERNATIONAL

Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises around the world. We do not accept any government or UN funding, ensuring the independence and credibility of our work.



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