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Returned recognized refugees face a dead-end in Greece – a case study

»We just got papers here. But we cannot turn them into a roof over our heads, we cannot feed them to our kids... «

Aza is a recognized refugee. She and the rest of her family were returned by the Swiss authorities to Greece and ended up homeless.

During the past four months, Refugee Support Aegean (RSA)/PRO ASYL have documented the living conditions of a four-member family of recognized refugees, who were returned to Greece from Switzerland at the end August 2018. The family's difficult situation, including homelessness and persistent insecurity about their livelihood and future, highlights the plight of many recognized refugees in Greece, particularly those returned by other European countries. RSA/ PRO ASYL documented the precarious situation of beneficiaries of international protection in an extensive Legal Note in 2017¹ and in an Expert Opinion in 2018.² The two reports present the alarming living conditions of beneficiaries of international protection in Greece, including the serious risk of homelessness, unemployment and obstacles in obtaining social benefits and accessing health care. On the basis of their on-going field work, the two organizations reiterate their call to other European countries to halt returns of recognized refugees to Greece.

LIFE IN GREECE UPON ARRIVAL

Royar, Aza and their two children arrived in Greece after the EU-Turkey deal came into effect and stayed for several months on Chios island under very difficult conditions. Royar

¹ RSA/PRO ASYL, "RIGHTS AND EFFECTIVE PROTECTION EXIST ONLY ON PAPER: the precarious existence of beneficiaries of international protection in Greece", 23 June 2017 in <https://rsaagean.org/en/legal-note-rights-and-effective-protection-exist-only-on-paper/>.

² RSA/PRO ASYL Expert Opinion to the Administrative Court Greifswald on the current situation that a male single beneficiary of international protection in Greece would encounter in case of a removal to Greece, 30 August 2018.

told us that he is a torture survivor in his country of origin.³ Aza suffers from mental health problems and one of the family's two children has a chronic illness.

The family faced degrading and humiliating conditions as well as safety issues during their stay in a tent on Chios while awaiting the completion of their asylum procedures. In November 2016, the family was subjected – together with many other refugees on the island – to a large scale racist attack by individuals reportedly linked to the far-right. Due to their vulnerability, they were later temporarily housed in a flat in Athens under the accommodation scheme of the ESTIA programme for asylum-seekers and refugees.⁴ They were informed that upon their recognition as refugees, their stay in the flat would be extended for a maximum of six months.

Even after they have been recognized as refugees, the absence of a long-term national integration programme for refugees, made their prospects of ensuring a dignified and safe life in Greece impossible.⁵ There were no integration steps by the Greek authorities to ensure safe housing, food, access to the labour market or language lessons.

HOPES FOR DIGNIFIED LIVING DASHED BY SWISS AUTHORITIES

The family travelled to Switzerland and applied for asylum anew. In their claim, they invoked the lack of a dignified and safe living, the lack of appropriate health care and safety issues in Greece. However, the Swiss authorities rejected their claim as inadmissible. On 31 August 2018, the family was returned back to Greece under Article 6 of the Returns Directive and a bilateral agreement between the two countries.⁶ The family said that they did not have access to an effective remedy to challenge the Swiss authorities' decision before the courts and that they were not provided with any relevant information or assistance upon their return to Greece.

Upon their arrival, they ended up homeless. Dozens of other refugees including vulnerable ones have also been returned to Greece by other European countries despite the serious challenges they face in trying to access basic economic and social rights.⁷

³ Names have been changed to protect anonymity.

⁴ This EU-funded programme is run by UNHCR in cooperation with the Greek Government and municipalities and covers accommodation and cash assistance.

⁵ See RSA/PRO ASYL expert report of 30 August 2018; On the Greek Ministry for Migration Policy plans on a new strategy on integration for refugees see: <https://ec.europa.eu/migrant-integration/news/new-greek-strategy-for-integration-targets-10000-refugees-in-one-year>.

⁶ Bilateral Agreement between the Government of the Greek Republic and the Swiss Federal Council for the Returns of persons of irregular status and implementing Protocol, Law 3726/2008, <https://www.e-nomothesia.gr/diethneis-sunthekes/nomos-3726-2008-phek-256a-17-12-2008.html> (in Greek).

⁷ Between 2016 and October 2018, 65 individuals were returned to Greece under the bilateral agreement between Switzerland and Greece (source: Swiss State Secretary of Migration). During the same period, nine individuals were returned from Switzerland to Greece under the Dublin III Regulation (source: Greek Asylum Service).

READMISSION TO GREECE AND RSA/PRO ASYL INTERVENTION

RSA/ PRO ASYL met with the family in a park in central Athens, five days after their deportation from Switzerland. Since the first meeting with the family in early September, RSA/PRO ASYL staff followed their everyday life, documented their living conditions and provided them with legal and social support as well as interpretation services. RSA/PRO ASYL supported the family in their request for shelter before competent authorities and humanitarian organizations including the Ministry for Migration Policy, the UN Refugee Agency, the Athens Municipality and the National Centre for Social Solidarity.

The family faced series of insurmountable challenges including homelessness, denial of benefits and unemployment.

HOMELESSNESS⁸

»We had to sleep for two nights in a park when we could not find any more help. We were scared, and it was cold. We got sick. We didn't know where to go. During the days, we visited one NGO after the other, but they told us there were no shelters for people with refugee status.«

Aza

During the period RSA/PRO ASYL monitored this case the family did not have enough money to rent a house or did not have access to any other secure housing solution, such as a place in EU-funded accommodation for asylum-seekers and refugees or a shelter for the homeless. Their survival prospects were bleak. They were forced to sleep in a park and in houses of acquaintances or those supporting people in need. The family was also accommodated in a hotel for a few days with the support of an NGO.

Upon their return from Switzerland, the family of four was not provided with a place in the accommodation scheme of the ESTIA programme. Under the programme only vulnerable asylum-seekers⁹ who entered the country after 2015 are accommodated. As an exception, those who have already been living in one of the ESTIA flats and subsequently been granted international protection continue to be accommodated for limited period. Recognized refugees (vulnerable or not), who have not been accommodated as asylum seekers in the ESTIA flats and those who have been returned from other European countries, are not eligible for accommodation under the scheme.

In addition, as recognized refugees returned from another EU country, the family was not eligible for a place in a refugee camp for asylum seekers. Also, asylum seekers, who arrived in Greece after 2015 and were offered shelter in one of the island or mainland official refugee camps, are allowed to extend their stay there for a limited period after they are granted with international protection status.

⁸ See RSA/PRO ASYL expert report of 30 August 2018.

⁹ RSA/PRO ASYL follows up cases of vulnerable asylum-seekers who have never been accommodated under the ESTIA scheme but remain in camps under substandard conditions.

RSA/PRO ASYL note that until now these extended times of accommodation in the ESTIA programme and in official refugee camps have not been formally regulated.

The family's efforts to find a place in a shelter for the homeless for short period/ emergency accommodation also failed. This type of shelters in Athens has limited places and they have long waiting lists. As a rule, these shelters do not accept families or individuals who do not speak Greek or English and/or suffer from mental health problems. In addition, the only shelter for homeless that accepts families has suspended its operations since May 2018. Attempts to find accommodation under the Athens Municipality »social housing scheme« also proved fruitless, because the scheme has limited places and a long waiting list.

In addition, persons living in rented accommodation who will apply for the newly established »rental benefit« in 2019, are required to be legal permanent residents in the country for at least five years. This was another insurmountable obstacle for the family in their efforts to find secure housing.

DENIAL OF BENEFITS AS A RESULT OF HOMELESSNESS

*“No address, no money. No money, no shelter. We are homeless,
but we cannot get a proof of it ...”*
Aza

While Royar and Aza's two children attended school and received some support by an NGO assisting children, the parents could not secure the necessary money to feed and raise them.

RSA/PRO ASYL supported the family in the collection of all required documentation in order to apply for the »Social Solidarity Income« (SSI).¹⁰ SSI is a welfare program aiming to provide a safety net for households living under the poverty line in Greece including refugees. It is means-tested and based on income support, access to services and support for reintegration into the labour market.¹¹ The scheme requires the beneficiaries to fulfil specific property and income criteria and provide extensive documentation. The list of the required documents include: proof of address or a homelessness certificate by a Municipality's social services or a certificate of use of a Municipality's drop-in center for the homeless; proof of a bank account; and a family status certificate.¹²

However, the family's application failed as they could not provide proof of address (e.g. rental agreement) or a homelessness certificate. The latter is provided by the Athens Municipality social services. It should be noted that so far and as a rule, a homeless certificate is given to those identified as living in the streets by staff of the Athens Municipality Reception and Solidarity Centre. According to the competent authorities,

¹⁰ Source: <https://keaprogram.gr/pubnr/Home/Contact>

¹¹ Source: <https://ec.europa.eu/social/BlobServlet?docId=18246&langId=en>.

¹² Article 5 of Joint Ministerial Decision No. D13 /οικ./33475/1935 of the Minister of Interior, Research and Religions, Minister of Labour, Social Security and Social Solidarity, 15 June 2018, 'Determination of terms and requirements of the SSI scheme'.

people living in permanent inappropriate accommodation under conditions including lack of water or electricity can also receive a homelessness certificate. The procedure for this is an application in writing by the interested party and social research by the Athens Municipality Social Services Department. However, there are waiting lists and no interpretation services are provided.

On the other hand the authorities have not regulated the procedures that will allow persons sleeping in houses of friends or acquaintances temporarily and do not have a permanent address or persons living in abandoned houses or squatted spaces to apply and obtain a homelessness certificate. As a result, this category of homeless persons including Royar and Aza's family are not able to obtain a homelessness certificate and the competent social services will not conduct a social research on their case. The current policy covers only those who live in permanent accommodation under inappropriate conditions.¹³

The family also faced further obstacles as they could not open a bank account and have an IBAN, because it requires proof of permanent address and a tax clearance certificate. They were also not eligible for child benefit as one of the main requirements is a ten-year legal residency in Greece.

BARRIERS IN ACCESSING EMPLOYMENT

Unemployment rates, poverty and inequality remain high despite reported reform efforts by the Greek authorities.¹⁴ Greece is one of the countries among EU states with the highest unemployment rate. In September, the general unemployment rate was 18,6 % and female unemployment rate was 23,4 %.¹⁵ Language barriers put refugees at further disadvantage.

Royar and Aza tried but could not find employment and did not receive any benefit by the competent authorities.

Aza told us: "I registered with different employment agencies. I searched in the neighbourhood and asked around.... But until now no one ever called me back... I can say that our situation in Greece has worsened my mental (health). It has broken me..."

They could not even get an unemployment card by the Unemployment Office of the Hellenic Manpower Employment Organisation (OAED) as they did not have proof of permanent residence/or a homelessness certificate.¹⁶ The lack of an unemployment card meant that the family could not have access to a free transportation card and they could not afford otherwise tickets for the metro and the bus.

¹³ Inappropriate conditions include lack of water or electricity.

¹⁴ Source: <http://www.oecd.org/economy/economic-survey-greece.htm>.

¹⁵ Source: <https://countryeconomy.com/unemployment/greece>

¹⁶ See RSA/PRO ASYL expert report of 30 August 2018.

CHALLENGES IN ACCESSING HEALTHCARE

As concluded recently by the Council of Europe Commissioner on Human Rights, successive austerity measures and their implications have undermined the right to health. The Commissioner noted that »Reported shortages in staff and equipment and disruptions in the Greek healthcare system coupled with budget cuts in patients' wages and pensions have hampered access to health care.«¹⁷

The family of four had to face not only homelessness and abject poverty but the deficiencies of the National Health Service including mental health services, the very limited number of interpreters and the long waiting lists for medical appointments.

CONCLUSIONS

The refugee family's odyssey is one indicative example of the situation of all those vulnerable recognized refugees who have been returned by other European countries to Greece and try to survive without being able to secure the basics such as secure housing, sufficient food and appropriate health care.

Aza's words spell out this reality. She said to us: *»We cannot be safe here. We cannot survive here.... We long for a home. We want just freedom and peace. Me, I need to breathe, (just) breathe.... I want to study and work. I want us just to live like human beings, to be respected and to respect, to sleep with full stomachs, to feel safe....«*

On the basis of their on-going field-work, RSA/PRO ASYL continue to urge other European countries to take all the above into consideration and halt the returns of recognized refugees to Greece.

¹⁷ Source: <https://www.coe.int/en/web/commissioner/country-monitoring/greece>.