

UDENRIGSMINISTERIET

Sagsnr. 2017-3498
Den 24. oktober 2017

NOTAT

GRÆKENLAND. Asyl.
FLN ref. 16/127103 & 17/008007
FLN e-mail af 07.08.17

Flygtningenævnet har den 7. august 2017 anmodet Udenrigsministeriet om at indhente oplysninger vedrørende forholdene for udlændinge med fysisk handicap med konventionsstatus eller subsidær beskyttelse i Grækenland og andre udlændinge med konventionsstatus eller subsidær beskyttelse i Grækenland.

Efter aftale med Flygtningenævnet har Udenrigsministeriet oversendt høringsanmodningen til en række organisationer og institutioner i Danmark og udlandet. Udenrigsministeriet har modtaget bidrag fra nedenstående organisationer:

- 1) Dansk Flygtningehjælp (Bilag 1),
- 2) Dansk Røde Kors (Bilag 2),
- 3) European Council on Refugees and Exiles (Bilag 3),
- 4) Greek Council for Refugees (Bilag 4),
- 5) Greek Ombudsman (Bilag 5 og 5.1).

Organisationernes bidrag er vedlagt som bilag.

Udenrigsministeriet, den 24. oktober 2017



DRC GREECE

Sent by e-mail: UM@UM.DK<<mailto:UM@UM.DK>>

Athens, October 13th, 2017

Your ref: 017-3498 Greece FLN Hearing [Case Nos. 16/127103 and 17/008007]

Methodology: Answers to the questions asked by the Refugee Appeals Board are based on the observations of DRC Greece, assisting the Greek Government since November 2015 in the provision of humanitarian assistance (including protection and legal aid) to persons of concern hosted in the sites established in the country. These observations are confirmed by reports published by Greek national authorities (such as the Ombudsman), regional and international organizations (ECHR, European Union, UNHCR, UNODC etc) and international NGOs operating in Greece.

Questions:

- 1) *Access to health care services of physically disabled aliens granted Convention status or subsidiary protection in Greece and of other aliens granted Convention status or subsidiary protection in Greece*

According to articles 30 and 31 of Presidential Decree 141/2013¹ (transposed in the national legislation the Qualification Directive (2011/95/EU)) Convention refugees and beneficiaries of subsidiary protection are entitled to medical care under the same terms as provided for the Greek nationals, while persons with special needs (including disabled) are entitled to access adequate medical treatment, including for mental illness, where appropriate under the same conditions that apply to Greek citizens. In addition, article 33 of Law 4368/2016 provides that persons without health insurance and members of vulnerable social groups, such as beneficiaries of international protection shall have free access to the public health system and are entitled to medical care. According to this law persons belonging to vulnerable groups are entitled to have access to hospitalization and medical treatment without contribution to the relevant costs. However structural deficiencies² (such as the lack of available information and qualified interpreters and cultural mediators³, failure of the state agencies to implement the law as far as it concerns the issuance of

¹ Available in English at: <http://www.refworld.org/docid/54eb4e774.html>

² These deficiencies have been observed by UNHCR, see *Stiftung ProAsyl – Refugee Support Aegean, Rights and Effective Protection exist only on paper: the precarious existence of beneficiaries of international protection in Greece*, June 23rd, 2017, [page 18](#) for the lack of information of health professionals who refuse to treat Convention refugees and beneficiaries of subsidiary protection or to refer them to specialists and for the complaints of insufficient provision of medicines, [pages 18 and 19](#) for lack of interpreters in hospitals and health services (available at: <https://www.proasyl.de/wp-content/uploads/2015/12/2017-06-23-Legal-note-RSA-beneficiaries-of-international-protection-in-Greece.pdf>)

³ The lack of interpretation in public Greek hospitals is a very serious obstacle for the effective access of asylum seekers and refugees to health services. In this regard, it is highlighted that the European Court of Human Rights in the case *Rasheed c. Grèce* (Requête 19128/2016) encouraged the Greek Government to provide interpretation to the applicant in

medical card for foreigners etc) and the impact of financial crisis on the health system (lack of funds for medicine, technical equipment, material and a lack of professional staff, long waiting lists and increase in co-payments⁴), complicate the access of Convention refugees and subsidiary protection beneficiaries to health care. In practice, they may have access to medical care, including hospitalization, when they are holders of Social Security Number issued by the Citizen's Centers. However, the issuance of Social Security Number requires documents (such as proof of residence) that beneficiaries of international protection often do not have as they are hosted in open accommodation centers established by the government due to lack of integration policies, including, but not limited to shelter.

Handicapped asylum seekers and beneficiaries of international protection are entitled to free access to the National Rehabilitation Centers⁵, which are public hospitals. The conditions of hospitalization require patients to contribute to the costs of their treatment, unless they are exempted by decision of the Governor of the Region. In general, the implementation of the relevant legal framework is problematic and the access to the hospitalization is extremely difficult for the disabled persons without support. This is confirmed by reports issued by the Greek Ombudsman⁶; only after the intervention of the Ombudsman some beneficiaries of protections had in fact access to hospitalization in these Centers.

As far as it concerns access of disabled Convention refugees and beneficiaries of subsidiary protection to welfare benefits, it has been observed that they cannot afford to pay the necessary fees for the assessment of their disability by the Disability Accreditation Centre while there are many problems and complaints about insufficient provision of medication⁷.

Finally, it should be mentioned that it was only on September 13th, 2017 that Greece legislated for the implementation of the UN Convention on the Rights of Persons with Disabilities and that the relevant Law (No. 4488/2017, Official Gazette A, No. 137) provides for the general lines without specific measures⁸.

2) Access to housing, education and social welfare of physically disabled aliens granted Convention status or subsidiary protection in Greece and of other aliens granted Convention status or subsidiary protection in Greece

Article 33 of Presidential Decree 141/2013¹⁰ provides that Convention refugees and beneficiaries of subsidiary protection should have access to housing under the same conditions applicable to other third country nationals legally residing in the country.

In practice, no state-run accommodation places are earmarked for beneficiaries of international protection, not even for vulnerable individuals, and no welfare rent subsidies, loans or other forms of financial support for accommodation are provided. On the other hand, while in theory Convention

the next visit to the hospital and called for the implementation of the measures it proposed in its observations to the Court.

⁴ See, The Greek Ombudsman, Special Report, Migration Flows and Refugee Protection – Administrative Challenges and Human Rights Issues, 2017, page 53 (available at: <https://www.synigoros.gr/?i=human-rights.en.recentinterventions.434107>)

⁵ Meaning contribution of the interested person to the cost of treatment/medication.

⁶ For a list of the Rehabilitation Centers operating in the country, see, site in Greek, at: http://amea-blog.blogspot.gr/2012/06/blog-post_4713.html

⁷ As an example of the problems of access to the Rehabilitation Centers, see, report (in Greek) at: <https://www.synigoros.gr/?i=health-and-social-welfare.el.kleistis-domes.36885>

⁸ Stiftung ProAsyl – Refugee Support Aegean, Rights and Effective Protection exist only on paper: the precarious existence of beneficiaries of international protection in Greece, June 23rd, 2017, page 20.

⁹ For the Law, see, in Greek, at the site of the Hellenic Parliament: http://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=b8e96a13-bde1-47bc-a835-a7de0147c297

¹⁰ See, above, footnote 1.

refugees and beneficiaries of subsidiary protection may have access to the existing shelters of the homeless in Greece, it has been observed that their access to these centers is not always guaranteed (as the access to accommodation by law is regulated under the same conditions as third country nationals). Secondly, as these shelters offer only a limited number of accommodation places, it is almost impossible to find a place. While the problem has been solved with the *tolerated accommodation* of Convention refugees and beneficiaries of subsidiary protection in the hosting sites (on the mainland) and in the hotspots (on the islands)¹¹ the government has not initiated any consultations towards adoption of a relevant policy¹². It is noteworthy that refugees recognized by Greece before 2015 who were returned by other EU countries are not provided accommodation¹³.

Article 28 par. 1 of Presidential Decree 141/2013 provides that minor beneficiaries of international protection have the same right to access to education as Greek nationals while adult beneficiaries are entitled to the educational system as well as to vocational training programs under the same conditions provided for the third country nationals living in Greece (article 27 par. 2 of Presidential Decree 141/2013)¹⁴.

Although Greece adopted specific measures to facilitate the access to education of children residing in the open accommodation sites established by the government on the mainland¹⁵, access of children living in off-site/urban areas to the public education scheme has been problematic (mainly in cases where parents are unable to provide proof of their residence)¹⁶. In both cases, there are a lack of teachers trained on the needs and characteristics of this student population as well as a shortage of interpreters / cultural mediators. This makes efforts to communicate with the children and their parents as well as the management of any problems that arise a lot more difficult¹⁷. Furthermore, no system is in place through which educational certificates are recognized / equalized by the Greek educational authorities, so that children over the age of 15 years have the opportunity to continue their secondary and higher education¹⁸. It is to be highlighted that refugee children of pre-school age living in urban areas do not have the right to enroll in the public kindergartens managed by the municipal authorities¹⁹.

¹¹ Stiftung ProAsyl – Refugee Support Aegean, Rights and Effective Protection exist only on paper: the precarious existence of beneficiaries of international protection in Greece, June 23rd, 2017, pages 14 and 15.

¹² See, the letter addressed to the Government on 1.8.2017 by NGOs providing assistance to asylum seekers and beneficiaries of international protection in Greece (available, in Greek, at: <http://www.migrant.gr/cgi-bin/pages/index.pl?lang=Greek&argenkat=PRESS%20ROOM&rcode=170802150013&type=article>)

¹³ Stiftung ProAsyl – Refugee Support Aegean, Rights and Effective Protection exist only on paper: the precarious existence of beneficiaries of international protection in Greece, June 23rd, 2017, page 14.

¹⁴ See, above, footnote 1.

¹⁵ The Greek Ombudsman, Special Report, Migration Flows and Refugee Protection – Administrative Challenges and Human Rights Issues, 2017, page 63, 2.3. Attendance of regular school curriculum

¹⁶ Stiftung ProAsyl – Refugee Support Aegean, Rights and Effective Protection exist only on paper: the precarious existence of beneficiaries of international protection in Greece, June 23rd, 2017, page 25.

¹⁷ The Greek Ombudsman, Special Report, Migration Flows and Refugee Protection – Administrative Challenges and Human Rights Issues, 2017, pages 64. For an overview of the schooling system and the special measures adopted for Convention refugees and beneficiaries of subsidiary protection see, Human Rights Watch, Greece: No School for Many Asylum-Seeking Kids, 17.9.2017, <https://www.hrw.org/news/2017/09/17/greece-no-school-many-asylum-seeking-kids>

¹⁸ Stiftung ProAsyl – Refugee Support Aegean, Rights and Effective Protection exist only on paper: the precarious existence of beneficiaries of international protection in Greece, June 23rd, 2017, page 26. Human Rights Watch, Greece: No School for Many Asylum-Seeking Kids, 17.9.2017, <https://www.hrw.org/news/2017/09/17/greece-no-school-many-asylum-seeking-kids>

¹⁹ For the relevant legal context, see, article 7 of Ministerial Decision 16065 (Official Gazette B 497/22.4.2002)

Article 30 of Presidential Decree 141/2013²⁰ stipulates that Greece shall ensure that beneficiaries of international protection receive the necessary social assistance as provided to Greek nationals. But, access of Convention refugees to welfare allowances, such as the single child support allowance or special allowance of 500 euros for each child for large families having more than three dependent children is conditioned on the previous ten year legal and permanent stay in the country, with the period as applicants for international protection not calculated included²¹. Besides beneficiaries of subsidiary protection being excluded from above mentioned allowances by law, both Convention refugees and beneficiaries of subsidiary protection are excluded from the social allowance to students and by default, from the social solidarity allowance (200 euros for every adult member and 50 euros for each child under 18 years old) because the concerned requirements (i.e. tenancy agreement/hosting declaration/utility bills, tax declaration and bank account)²² cannot be met.

3) Conditions mentioned under items (1) and (2) do not differ for families consisting of one or two adults with minor children neither for families with babies (0-12 months) or infants (1-3 years)

4) *Access of physically disabled aliens granted Convention status of subsidiary protection in Greece and other aliens granted Convention status or subsidiary protection in Greece to integration programs*

Article 35 of the Presidential Decree 141/2013²³ stipulates that beneficiaries of international protection should have access to adequate integration programs by the Ministry of Labor, Social Solidarity and Welfare.

While UNHCR has repeatedly highlighted the lack of any integration plan and recommended the development of a comprehensive action plan and legislative framework for integration in Greece ²⁴ such plan has not been adopted so far. Convention refugees and beneficiaries of subsidiary protection also have numerous constraints to accessing the labor market (even though they are entitled to work and be self-employed under the same conditions as Greek nationals²⁵) as they do not possess the same prerequisites as Greek nationals, such as language skills, social networks, geographic and cultural knowledge. Additionally, no national strategy or targeted measures or programs helping with employment and accessing the labor market are put in place by the responsible Greek authorities. Barriers for access to work or vocational training is due to the lack of a national mechanism to assess previous professional skills and qualifications²⁶. Obtaining a tax number, which is a prerequisite for employability, is not without difficulties because Convention refugees and beneficiaries of subsidiary protection are requested to declare their address, submit a tenancy agreement or a hosting declaration or a homelessness certificate. Opening a bank account is not always feasible, as refugees cannot provide the documents requested by the banks, such as tax declarations, accommodation certificates etc.²⁷. Furthermore, enrollment with

²⁰ See, above, footnote 1.

²¹ Stiftung ProAsyl – Refugee Support Aegean, Rights and Effective Protection exist only on paper: the precarious existence of beneficiaries of international protection in Greece, June 23rd, 2017, page 24.

²² See, above, footnote 1.

²³ Stiftung ProAsyl – Refugee Support Aegean, Rights and Effective Protection exist only on paper: the precarious existence of beneficiaries of international protection in Greece, June 23rd, 2017, page 11.

²⁴ Article 27 of Presidential Decree 141/2013, see above, footnote 1.

²⁵ Stiftung ProAsyl – Refugee Support Aegean, Rights and Effective Protection exist only on paper: the precarious existence of beneficiaries of international protection in Greece, June 23rd, 2017, page 21 highlighting UNHCR's statement of the access of recognized refugees to the labor market.

OAED (National Unemployment Office) is almost impossible for Convention refugees and beneficiaries of subsidiary protection as proof of residence, tax declaration, rental agreements should be submitted to get the unemployment card. Formally employed Convention refugees and beneficiaries of subsidiary protection are entitled to the same benefits as Greek nationals when they lose jobs (i.e. they have access to the 360 euros monthly allowance for a period of 5 to 12 months), but they do not have access to the benefits of long-term unemployed as the national legislation (Law 4093/2012) provides that these are accessible only to Greek and EU nationals. According to the relevant legislation and practice Greek and EU nationals have priority for the very few positions available in the public sector only.

5) Consideration of inquiries of Convention refugees and beneficiaries of subsidiary protection concerning criminal offences committed against them and protection offered in fact by Greek Authorities in such situations

According to article 16 of the 1951 Geneva Convention²⁶, refugees shall have free access to the Courts of law on the territory of all contracting states and they shall enjoy in the contracting state in which they have their habitual residence the same treatment as nationals in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.

While serious criminal acts (such as murder, serious injuries, abuse of children etc.) are punishable *ex officio* (i.e. when the authorities are informed that a crime has been committed they investigate the case without previous reporting of the criminal act) Convention refugees and beneficiaries of subsidiary protection encounter problems when it comes to criminal acts against them which is punishable upon reporting to the police/judicial authorities. They are victims of crime if they have suffered damage, e.g. they have been injured or their property has been damaged or stolen, etc., because of an incident, which constitutes a crime according to national law. As a victim of crime, the law grants them certain individual rights before, during and after court proceedings (trial)²⁷. In general, when it is assessed that they are victims of a criminal behavior they are entitled to participate in the trial as a civil party if they have suffered material or moral damage resulting directly from the alleged criminal offence, e.g. the defamed person, the victim of the bodily harm, etc. The civil claimant is considered as an important party of the proceedings since they are vested with a wide range of rights, i.e., the right to counsel, the right to receive copies of the case file, to present evidence, to request investigating acts, to appoint experts on their behalf, examine witnesses at the trial etc.²⁸ In this context it is highlighted that victims-civil claimants may have access to free legal aid depending on their income and the type of crime they are victim of. They will be provided with a lawyer free of charge only if they are victim of a serious violent crime (torture and other offences of the human dignity, discrimination and violations of equal treatment, crimes against life, personal liberty and sexual freedom, bodily injury, sexual offence and marriage and

²⁶ Stiftung ProAsyl – Refugee Support Aegean, Rights and Effective Protection exist only on paper: the precarious existence of beneficiaries of international protection in Greece, June 23rd, 2017, pages 12 and 13. For the problems Convention refugees and beneficiaries of subsidiary protection are facing with the tax and social insurance registration and enrolment with the National Unemployment Officer but also with the opening of bank accounts, see also, the letter addressed by national and international NGOs operating in Greece to the Greek Government on August 2nd, 2017 (available, in Greek, at: <http://www.migrant.gr/cgi-bin/pages/index.pl?arlang=Greek&argenkat=PRESS%20ROOM&arcode=170807135519&type=article>)

²⁷ Ratified by Greece by Legislative Decree 3989/1959 (published in Official Gazette A 201/26.9.1959)

²⁸ See, Rights of victims of crime in criminal proceedings – Greece, https://e-justice.europa.eu/content_rights_of_victims_of_crime_in_criminal_proceedings-171-el-en.do?member=1

²⁹ See, Greek Law Digest, at: <http://www.greeklawdigest.gr/topics/judicial-system/item/16-procedure-before-criminal-courts>

family crimes etc.³⁰) and their yearly family income is less than two-thirds of the minimum annual wage rate defined by the National General Collective Labour Agreement. They receive legal aid free of charge irrespective of their income only if they are victim of human trafficking or domestic violence; or victim of a sexual offence (under 18 years of age). The lawyer appointed will help them prepare and submit the necessary documents to become a civil claimant and will assist them throughout the proceedings thereafter³¹. Concerning interpretation, Convention refugees and beneficiaries of subsidiary protection have access to an interpreter free of charge at the investigating stage of the case, provided they have become civil claimants (i.e. after the submission of the complaint to the police/judicial authorities)³². This means, that without the assistance of an interpreter they are not able to file complaint with the police authorities who are not obliged according to the law to provide free of charge interpretation services unless the prosecutor orders the investigation of the crime to be reported³³. Even those Convention refugees and beneficiaries of subsidiary protection who are aware of their rights are effectively unable to claim them due to the lack of interpretation services within the police authorities responsible to receive them.

Kyriakos Giaglis

Country Director



³⁰ Article 7 of Law 3226/2004 (Official Gazette A 24/4.2.2004) (available in Greek, at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=a7yRfgkOUJ%3D&tabid=132>)

³¹ European Justice, My rights during the investigation of a crime, Can I receive legal aid? https://e-justice.europa.eu/content_rights_of_victims_of_crime_in_criminal_proceedings-171-EL-maximizeMS-en.do?clang=en&idSubpage=1&member=1#n07. See, also, UNODC, Global Study on Legal Aid, Country Profiles, December 2016, for Greece at page 437 (available at: file:///C:/Users/Erika/Desktop/LEGISLATION/DISABILITIES_PERSONS_RIGHTS/05-GSLA-Country-Profiles.pdf).

³² European Justice, My rights during the investigation of a crime, I am a foreigner. How are my rights and interests protected? https://e-justice.europa.eu/content_rights_of_victims_of_crime_in_criminal_proceedings-171-EL-maximizeMS-en.do?clang=en&idSubpage=1&member=1#n07. This is also supported by article 60 of Law 4478/2017 (that transposed in the Greek Legislation article 7 of Directive 2012/29/EU and it is published in Official Gazette A 91/23.6.2017) that refers to the examination of the victim not speaking or sufficiently understanding the Greek language. The law is available, in greek, at: <https://www.e-nomothesia.gr/kat-egklema-organomeno/nomos-4478-2017-fek-91a-23-6-2017.html>

³³ According to articles 3 and 4 of the Code of Police Ethics (Presidential Decree 254/2004, available in English translation at: http://www.astynomia.gr/images/stories/Attachment14239_KOD_FEK_238A_031204_En.pdf) police authorities are obliged to provide interpretation services to detainees and to persons being examined at the investigation stage of the criminal proceedings.

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Send to: um@um.dk
Reference "2017-3498 Greece FLN Hearing"



29 September 2017

Response to hearing on conditions for aliens granted convention status or subsidiary protection in Greece

The International Red Cross and Red Crescent Movement is primarily providing health care, psycho-social support, case management and referrals for asylum seekers in Greece, but through the various points of operation, we come increasingly more in contact with families and individuals who have been granted Convention status or subsidiary protection. This is especially the case at the Multifunction Service Centre for asylum seekers and refugees in Central Athens run by the Hellenic Red Cross with technical support from the Danish Red Cross. The Multifunction Service Centre provides counselling, psycho social support, language courses, assists with referrals to different services within and outside the Red Cross, provides a mobile health clinic on a weekly basis and runs a hotline for counselling.

Below overview of the situation for people in Greece with Convention status or subsidiary protection is based on experiences from the complete Red Cross operation in Greece. The Red Cross primarily meet families and individuals with convention status or subsidiary protection in the Multifunction Centre in Athens, but we also come in contact with them in the Skaramagas camp outside Athens and to a lesser degree in Moria on the Island of Lesbos. The findings of the Red Cross have been discussed with the Greek Refugee Council, which is a close collaborating partner for the Multifunction Centre in Athens, and our findings are confirmed by their experiences from people granted convention status or subsidiary protection in Greece (hereafter refugee status).

The general picture is that people who have a refugee status are in a worse situation than those still in the process of seeking asylum. While there are still a number of international humanitarian organisations and local NGOs offering support and services to the asylum seekers, those with refugee status should officially have access to the same social, health and educational service as the Greek population, and they are therefore no longer eligible for receiving the services provided through schemes for asylum seekers.

Accessing the services in the Greek system is however problematic. It can take time to get through the health and social welfare system and language and lack of knowledge of procedures are huge barriers for newcomers. This is further specified below.

Accommodation/ Housing

Accommodation is one of the main problems for families and individuals with a refugee status in Greece. When contacting the correct authorities they are offered to be placed on a waiting list. The waiting time is still not known, but some families have reported more than six months. The Red Cross Multifunction Centre in Athens has been in contact with a few families with clear vulnerabilities (for example a single mother who was a victim of domestic violence, a young family with a small infant) who were also simply offered a place on the waiting list.

The only options are either to move in to private accommodation, where landlords take advantage of the situation and put several families in shared accommodation with poor conditions and high rents, or to move into illegally squatted houses, which presumably include requirements of entering into some sort of illegal business or crime as part of the payment. Some families chose to remain in or move into the camps where they get by through the goodwill of other camp residents, as they cannot get access to basic services in the camps without being registered.

Health services

Most families and individuals granted asylum are given a social number that gives them the right to receive health care in the public Greek health system. However, access to the services is not a guarantee as most hospitals do not provide interpretation unless the refugees show up with an interpreter who can help them through the formalities and onto the right ward and translate between medical staff and refugee patient they are very often sent away without receiving the treatment they came for.

Social welfare

The Greek social welfare system already witnesses a huge domestic burden to cover with the present economic crisis. Most people with a refugee status do not know their way through the social welfare system, which in itself is a barrier. It is reported that it usually takes around 6 months to go through the procedures to receive the social welfare package, but as the number of people with refugee status in Greece is expected to grow significantly over the next year/s this time frame will probably not hold. It is our understanding that ECHO gives humanitarian support for a period of 6 month after refugee status is granted to bridge this time period. Nonetheless we often encounter people with refugee status that do not receive any monetary support. This is a major concern.

As is the case with accessing health services the language barrier is also a significant challenge when it comes to access to social welfare services.

Integration

Greece still does not have a national programme for integration of aliens with refugee status. Most families and individuals that the Red Cross are in contact with have received the residence card that allows them to seek and take employment. For most of them language is, however, the biggest barrier to get a job and in the longer term become self-sufficient. As there is no official integration programme, no official education programme for adults to learn Greek exist, whereas children can be enrolled in public Greek schools.

A small number of local NGOs (including the Hellenic Red Cross) offer language courses and courses on how to seek and find employment, but there are long waiting lists and not sufficient capacity to cater for the growing demand for this kind of service.

The following two case stories have been collected from the Red Cross Multifunctional Service Centre for refugees and asylum seekers in Athens within the month of September 2017.

Best regards,

A handwritten signature in black ink, appearing to read 'Ad m'.

Anders Ladekarl,
Secretary General

Ms Anne-Luise Ulf Schilling
Danish Refugee Appeals Board
Asiatisk Plads 2
DK-1448 Copenhagen K,

Date: 30 August 2017
Case Nos: 16/127103 and 17/008007

Dear Ms Anne-Luise Ulf Schilling,

Subject: The situation of beneficiaries of international protection in Greece

In response to the request for information sent by the Secretariat of the Danish Refugee Appeals Board on 7 August 2017, the European Council on Refugees and Exiles (ECRE) wishes to submit the following summary. In absence of detailed analysis focussing on the particular situation of beneficiaries of Convention Status or subsidiary protection status in Greece, the summary relates to the conditions and obstacles facing all beneficiaries of Convention status and subsidiary protection in Greece with respect to accessing healthcare, housing, education, social welfare and integration programmes. There is no evidence that physically disabled persons would be in a more advantageous position than other categories of beneficiaries of protection in relation to the areas covered below.

The information contained in the summary draws on relevant reports by civil society organisations working with refugees and asylum seekers in Greece, including the Asylum Information Database (AIDA) Country Report on Greece. However, additional information specifically relating to the situation of beneficiaries with disabilities may be available from the expert civil society organisations cited in this summary overview, based on their daily practice. Also the European Disability Forum, which participated in a mission of the European Economic and Social Committee in October 2016 to investigate the situation of asylum seekers and refugees with disabilities in Greece,¹ may have access to relevant information beyond the report from the visit. It is therefore suggested to also seek the input from the said organisations directly.

¹ See European Economic and Social Committee, *EESC delegation evaluates the situation of refugees and other migrants with disabilities in the reception structures of Lesbos and Athens*, 24 October 2016, available at: <https://goo.gl/tH3X6R>.

(1) Access of beneficiaries of international protection to healthcare services in practice

Free access to health care for beneficiaries of international protection is provided under Law 4368/2016. However, the impact of the financial crisis on the health system and structural deficiencies such as the lack of adequate interpretation and cultural mediators aggravate access to health care.²

In practice, administrative barriers have been observed in some cases with regard to access to the health care system. These mainly concern difficulties in the issuance of a Social Security Number (Αριθμός Μητρώου Κοινωνικής Ασφάλισης, AMKA), a necessary document not only for accessing health institutions but also for receiving pensions and other benefits.³

A joint report from twenty-five civil society organisations issued on 3 August 2017 recalls the persisting obstacles faced by asylum seekers in obtaining AMKA from Citizen Support Centres (Κέντρα Εξυπηρέτησης Πολιτών, ΚΕΠ). KEP staff across the Greek territory, with the exception of some large municipalities, often refuse to issue AMKA, claiming *inter alia* that the document may not be issued to non-nationals or, ostensibly based on a decision of the Asylum Service, to refugees. In other cases, KEP claim that individuals need to possess a Tax Identification Number (Αριθμός Φορολογικού Μητρώου, AFM) in order to obtain an AMKA.⁴

In other cases, access is hindered as staff in hospitals or health care centres are not always aware of Law 4368/2016.⁵

(2) Access of beneficiaries of international protection to housing, education and social welfare in practice

Housing: Despite their legal right to access accommodation under the same conditions as other legally residing non-nationals,⁶ beneficiaries of international protection face substantial barriers in securing housing. There are generally limited accommodation places for homeless people in Greece and no shelters dedicated to recognised refugees or beneficiaries of subsidiary protection exist. There is also no provision for financial support for living costs.⁷ According to the experience of civil society organisations such as the Greek Council for Refugees, most status holders therefore remain homeless or reside in abandoned houses or overcrowded apartments, which are on many occasions sublet.⁸

Education: A Ministerial Decision issued in August 2016 provided the establishment of preparatory classes (Τάξη Υποδοχής) for all school-age children aged 4 to 15.⁹ This programme is implemented in public schools neighbouring camps or places of residence. According to the information provided by the Ministry of Education, children aged between 6-15 years, living in open temporary facilities, will be enrolled in afternoon preparatory classes from 14:00 to 18:00 in neighbouring public schools identified by the Ministry. They will be taught Greek as a second language, English language, mathematics,

² On this point, see also Greek Forum of Refugees, 'When language equals life: Call to action from GFR to Greek Ministry and UNHCR to ensure provision of interpreting services for asylum seekers and refugees in hospitals in Athens', 11 July 2016, available at <http://bit.ly/2xtRuiQ>.

³ Article 153 Law 3655/2008.

⁴ Solidarity Now *et al.*, 'Joint report of 25 organisations on incidents violating the rights of asylum seekers', 3 August 2017, available in Greek at: <http://bit.ly/2wjlj800>. The document mainly refers to asylum seekers, however several observations are also relevant to beneficiaries of international protection.

⁵ AIDA, Country Report Greece, 2016 Update, March 2017, available at: <http://bit.ly/2nwd9nA>, 111-112, 143.

⁶ Article 33 Presidential Decree 141/2013.

⁷ AIDA, Country Report Greece, 2016 Update, March 2017, available at: <http://bit.ly/2nwd9nA>, 142.

⁸ *Ibid.*

⁹ Ministerial Decision 152360/ΓΔ4/2016, GG 3049/B/23-09-2016, available at: <http://bit.ly/2lbVvkGP>.

sports, arts and computer science. Their transport is organised by the International Organisation for Migration (IOM).

Children aged between 6-15 years, living in dispersed urban settings (such as relocation accommodation, squats, apartments, hotels, and reception centres for asylum seekers and unaccompanied children), may go to schools near their place of residence, to enrol in the morning classes alongside Greek children, in schools that will be identified by the Ministry. This is done with the aim of ensuring balanced distribution of children across selected schools, as well as across preparatory classes for migrant and refugee children where Greek is taught as a second language.¹⁰

Although the refugee education programme implemented by the Ministry of Education is highly welcome, its implementation rate is slow, while a significant gap remains in the provision of pre-school education, senior secondary (over the age of 15), higher education and vocational training. The education sector faces problems with regard to refugee children's integration in Greek schools and a gap persists in meeting the needs of children who have missed years of schooling due to conflict or displacement and require catch-up programmes.¹¹

Unemployment benefits: Difficulties faced in the issuance of AMKA or AFM have a direct impact on asylum seekers and beneficiaries' registration at the unemployment registry of the Manpower Employment Organisation (Οργανισμός Απασχόλησης Ανθρώπινου Δυναμικού, OAED), with a view to obtaining unemployment benefits.¹²

(3) The situation of families with children

Married beneficiaries of international protection face additional barriers to linking their AFM in order to submit a joint tax declaration, as most tax authorities (DOY) require an official translation of their marriage certificate by the Ministry of Foreign Affairs. Most people do not hold their original documents and are not able to proceed with such a translation. While some DOY accept an affidavit from Convention refugees as sufficient documentation for that purpose, such an approach is not followed as a rule. Subsidiary protection holders are in a more precarious position, given that authorities are often unaware of this protection status.¹³

(4) Access to integration measures in practice

Language courses: There are no free Greek language courses provided by the State. The only programme organised by the University of Athens charges a fee for participation in Greek language courses, ranging from €500 to €670 per academic year for immigrants. There are only a few NGOs, including the Greek Council for Refugees, which have programmes for free courses of Greek language for refugees and immigrants.¹⁴

(5) Reporting criminal offences and access to protection

The information at our disposal does not allow us to provide input to question 5. Useful information may be found in the Annual Report 2016 of the Racist Violence Recording Network (RVRN).¹⁵

¹⁰ AIDA, Country Report Greece, 2016 Update, March 2017, available at: <http://bit.ly/2nwd9nA>, 110.

¹¹ *Ibid*, 110-111.

¹² Solidarity Now *et al.*, 'Joint report of 25 organisations on incidents violating the rights of asylum seekers', 3 August 2017, available in Greek at: <http://bit.ly/2wlj800>. The document mainly refers to asylum seekers, however several observations are also relevant to beneficiaries of international protection.

¹³ Solidarity Now *et al.*, 'Joint report of 25 organisations on incidents violating the rights of asylum seekers', 3 August 2017, available in Greek at: <http://bit.ly/2wlj800>.

¹⁴ AIDA, Country Report Greece, 2016 Update, March 2017, available at: <http://bit.ly/2nwd9nA>, 143.

¹⁵ RVRN, *Annual Report 2016*, available at: <http://bit.ly/2xx5GaI>.

We remain at your disposal for any further information or clarification required.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Woollard', with a long horizontal stroke extending to the right.

Catherine Woollard
Secretary General, ECRE

The Secretariat of the Danish Refugee Appeals Board

Asiatisk Plads 2

DK-1448 Copenhagen K

Our ref. 530/2017

Athens, 27/9/2017

RE: Request for information about the actual conditions for aliens granted Convention status or subsidiary protection in Greece, including physically disabled aliens.

According to Art. 29 and 30 of Presidential Decree 141/2013¹, in general, beneficiaries of international protection should enjoy the same rights as Greek Citizens and receive the necessary social assistance according to the terms that apply for Greek citizens. However, not all of them have access to economic and social rights and welfare benefits. What has been recorded is either the difficult access of rights (bureaucracy and basically no provision for the inability of refugees to submit certain documents, i.e. family status, birth certificates, diplomas etc) or sometimes the refusal from civil servants to grant them the benefits provided, thus violating Greek or European law and the principle of equal treatment (Law 3304/2005).

(1) Regarding the matter of whether aliens granted Convention status or subsidiary protection in Greece, including physically disabled aliens, have access to the healthcare services needed, please bear in mind the following information:

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¹ Presidential Decree 141/2013

<http://www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/aldfiles/EL%20-%20PD%20141%202013.pdf>

All Greek citizens are entitled to access healthcare free in Greece. Authorized residents in Greece are entitled to the same access to healthcare as Greek citizens. Formal access to the free services of the National Health System is dependent on registered employment and regular status, unless one is part of one of the groups defined by the 4368/2016 law of February 2016.

Law 4368/2016² implemented by the joint ministerial decision n° A3(c)/GP/oik.25132/2016 on 4 April 2016³, opened access to the public health system to uninsured and vulnerable people and minimized the bureaucratic procedures. Pursuant to Article 33 of the 4368/2016 law, uninsured people and vulnerable social groups have free access to public health facilities, nursing and medical services. Asylum seekers and refugees are considered as vulnerable groups and thus have access to the public healthcare system for free, same as destitute Greek nationals, according to article 33 par.2 of the 4368/2016 law.

However, to access free healthcare, one must have a Social Security Number (AMKA)⁴, pursuant to article 33 par. 3 of Law 4368/2016 (*"For the provision of services of this arrangement to the beneficiaries, they must have a Social Security Number (AMKA), with the exception of the categories of case c' in the paragraph 2 of this article, for whom the access to public health structures is determined by the joint ministerial decision as described in paragraph 5 of this article"*). The granting of the AMKA is made by the KEPs [Kentro Eksipiretisis Pelaton (KEP) - Citizens' Service Centre] under the responsibility of the General Secretariat for Social Insurance⁵. However, in practice applicants are often confronted with problems by the KEP employees who do not provide them with AMKA numbers despite the fact that they meet the

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² Law 4368/2016

<https://www.minedu.gov.gr/publications/docs2016/%CE%A6%CE%95%CE%9A.pdf>

3

³ Joint ministerial decision implementing law 4368/2016 <http://www.opengov.gr/vyka/wp-content/uploads/downloads/2015/04/sxedio-kya-anasfalistwn.pdf>

4

⁴ AMKA Number, article 153 of Law 3655/2008 <http://www.etaa.gr/files/N.3655-08.pdf>

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⁵ Paragraph 3 of the article 153 of Law 3655/2008

legal requirements. This refusal is accompanied by various reasons - most often unfortunate - which often lead to the administration's refusal to apply the current legislation⁶.

In cases where beneficiaries of international protection cannot obtain an AMKA, for access to public health structures as determined by the joint ministerial decision, they must hold and display a special Foreigner Healthcare Card (K.Y.P.A.). However, the process of issuing a K.Y.P.A. is still inactive and despite the 31/05/2016 Circular of the Ministry of Health (A3g / G.P. oik.39364)⁷, the persons concerned face ongoing problems in accessing health services.

Moreover, there are no translators or cultural mediators in public or private hospitals and health centers, which means that the access is becoming from hard to impossible for people that do not speak English or Greek.

In conclusion, in principle, beneficiaries of international protection, including physically disabled aliens, have free access to hospitals and medical care. However, given that Greece is witnessing an unprecedented increase in the inflow of refugees and migrants to its territory, the ability of the Greek health system to provide adequate health care to refugees upon entry is severely stretched. Thus, beneficiaries of international protection still encounter difficulties in gaining access to healthcare.

(2) Regarding the matter of whether aliens granted Convention status or subsidiary protection in Greece, including physically disabled aliens, have access to housing, education and social welfare, please bear in mind the following information:

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■ For more information about this matter please refer to our website
<http://www.gcr.gr/index.php/el/news/press-releases-announcements/item/689-koini-anafora-25-organoseon-gia-peristatika-paraviasis-dikaionaton-ton-aitounton-asylo>

7

■ "Clarifications on how to ensure access to uninsured and socially vulnerable groups in the public health system" <https://www.gni-hatzikosta.gr/files/%CE%A9%CE%951%CE%91465%CE%A6%CE%A5%CE%9F-6%CE%A6%CE%9D.pdf>

(2.1) Typically, beneficiaries of international protection have access to accommodation with the conditions and limitations applicable to third country nationals residing legally in the country, according to Article 33 of P.D. 141/2013⁸ (Art. 32 of the Directive 2011/95/EU). In practice no state-run accommodation places are earmarked for beneficiaries of international protection, not even for vulnerable individuals, and no rent subsidies, loans or other forms of financial support for accommodation are provided. In the limited accommodation places reserved for homeless people in Greece, beneficiaries of international protection are not easily admitted. Those in need of shelter, who lack the financial resources to continue to rent a house, remain homeless or reside in abandoned houses, informal hotels, squats or unsuitable and overcrowded apartments, which are on many occasions sublet, often without access to electricity, toilets or running water. Some end up living in the streets, others are in constant danger of eviction. No alternatives are provided to them and no prospects for the future. Many survive only due to the help and support of others⁹.

Moreover, there has been noticed in practice that beneficiaries of international protection who had been accommodated in the temporary camps or via the UNHCR scheme while they were applicants, are informally tolerated to stay on in these camps after their recognition for a further period of a maximum of six months¹⁰.

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⁸ See above mentioned note 1.

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⁹ AIDA 2017: Country report Greece (2016). Source:
<http://www.asylumineurope.org/reports/country/greece> (page 142)

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¹⁰ LEGAL NOTE On the living conditions of beneficiaries of international protection in Greece,
<https://www.proasyl.de/wp-content/uploads/2015/12/2017-06-23-Legal-note-RSA-beneficiaries-of-international-protection-in-Greece.pdf>

Additionally, there is no provision for financial support for living costs. In an official information document distributed by the Greek Asylum Service beneficiaries of international protection are informed that the state cannot offer them shelter, nor can it guarantee social benefits or access to the labor market.¹¹

In other words, there are no shelters, exclusively for recognized refugees, where they could be part of integration activities.

Finally, it is worth mentioning that beneficiaries of international protection are required to prove their residence in the country in order to enjoy almost every social right in Greece, i.e. in obtaining a Tax Registration Number (AFM)¹², a Social Security Number (AMKA) and for the registration of unemployed persons in OAED (Manpower Employment Organization)¹³. According to the circulars regulating the above mentioned, the residence of the beneficiary of international protection must be proven by documents such as: (a) for residence in owner-occupied property, it is required to present a contract evidencing ownership and bills for state-owned enterprises; (b) for residence in rented property, it is required to present a copy of the electronic lease agreement, plus utility bills; (c) for residence in a property based on free concession, it is required to present the concession agreement and bills for state-owned enterprises.

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¹¹ Please refer to the Greek Asylum Service 2017: Rights and obligations / Rights for beneficiaries of international protection, http://asylo.gov.gr/en/?page_id=471 <http://asylo.gov.gr/en/wp-content/uploads/2017/02/Rights-of-beneficiaries-of-international-protection-2.2017.jpg> , Frequently asked questions http://asylo.gov.gr/en/wp-content/uploads/2016/11/FINAL-QA_EN_06_2016.pdf

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¹² POL 1090/2002 <https://www.e-forologia.gr/lawbank/document.aspx?digest=3678B5F2343C8864.1D031AEA53&version=2002/03/07>

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¹³ Circular B102129/17.01.2012/23.01.2012 (ΑΔΑ: ΒΟΧ44691Ω2- Τ3Ψ) as amended by circular 102295/28.11.2014 ΕΙΝΑΙ ΛΑΘΟΣ

(2.2) Furthermore, there are no free courses for Greek language by the State. The only program organized by the University of Athens charges a fee for participation in Greek Language courses, ranging from 500 to 670 Euros per academic year for immigrants.¹⁴

According to Article 28 par.1 of the PD 141/2013 (see also Article 27 par.1 of Directive 2011/95/EU)¹⁵, minor beneficiaries of international protection have the same right to access to education as Greek nationals. According to Article 28 par. 2 (Article 27 par.2 of Directive 2011/95/EU), adult beneficiaries are also entitled to the educational system as well as to training programs under the same preconditions with third country nationals living in Greece. Free Greek language courses are offered at the moment by nongovernmental organizations, but recognized Greek language certificates are issued only by the above mentioned program.

In an attempt to strengthen the educational system for the refugee children in Greece, the Ministry of Education adopted an educational program for refugee children. The basic new legal framework regulates the registration into schools with the circular 108457/Δ204/07/2016 “Reception Classes of Educational Priority Zones” (ΖΕΠ) and the “Facilities for the Reception and Education of Refugees” (DYEP) by the Ministerial Decision no 131024/Δ1 dated 08.08.2016)¹⁶ and additionally the common ministerial decisions on DYEP 152360/ΓΔ4/2016 – (national gazette 3049/Β/23.09.2016) and 180647/ΓΔ4/2016 (national gazette 3502/Β/31.10.2016). Still, access to education is not guaranteed for all the minor beneficiaries of international protection. These classes are limited, created only children aged 6 to 15 years old and they are insufficient to ensure integration of the children, as long as DYEP operate as separate preparatory classes, with no connection to the typical educational system. Also they do not include children over 15

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¹⁴ <http://en.greekcourses.uoa.gr/>

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¹⁵ See above mentioned note 1.

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¹⁶ Reception Classes of Educational Priority Zones - Facilities for the Reception and Education of Refugees (Ρυθμίσεις Ζωνών Εκπαιδευτικής Προτεραιότητας (ΖΕΠ) - Ίδρυση Τάξεων Υποδοχής ΖΕΠ, Ενισχυτικών Φροντιστηριακών Τμημάτων ΖΕΠ και Δομών Υποδοχής για την Εκπαίδευση των Προσφύγων ΖΕΠ (Δ.Υ.Ε.Π. ΖΕΠ) σε σχολικές μονάδες Π.Ε) https://www.esos.gr/sites/default/files/articles-legacy/fek_zep.pdf

years old; In secondary education the situation is even more challenging as the existing intercultural schools are not sufficient enough and there is no prediction for "Reception Classes of Educational Priority Zones" (ΖΕΠ.)

The governmental educational program for refugee kids has been mainly criticized for the lack of integration measures, keeping the refugee kids separate from the others and for the inadequate training and experiences of the teachers employed there¹⁷. Extra teachers employed for the special reception classes in the afternoons were recruited from a pool of state-registered supply teachers who have not been trained in intercultural education or teaching Greek as a second language. At the same time, the 13 nationwide existing intercultural schools lack the capacity to host more pupils. Given the fact that refugee children differ in their educational background and needs and the rising tensions in public schools in some local communities against refugee children's attendance any systematic educational program is still absent.

(2.3) According to Article 30 of PD 141/2013 (Article 29 of the 2011/95/EU Directive, par. 1 and 256), it is ensured that beneficiaries of international protection shall receive the necessary social assistance as provided to Greek nationals¹⁸. However, austerity measures directly affected the social welfare legislation in Greece.

Family allowances are provided to families, who can show a 10 years permanent and continuous stay in Greece. As a result, the majority of beneficiaries of international protection are excluded from this benefit. Allowance to single mothers is provided to those who can provide proof (divorce, death certificate, birth certificates etc.) of their family situation. With no access to any authority of their country and no provision in law or in practice from the Greek State many of them are excluded because they cannot provide the necessary documents. The

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¹⁷ Circular No. 108457/Δ2 dated 4.7.2016 (Circular related to the enrolment of students from third countries with incomplete documentation in Secondary Education school units of the country)
http://dide-a-ath.att.sch.gr/1/images/data/ekp_data/egkl_eggr-allod-math_el-dik_5-9-16.pdf

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¹⁸ See above mentioned note 1.

single child support allowance introduced by article 1, par. 1A, subpar. 1A.2 Law 4093/2012 as amended by article 6 of Law 4472/2017, replaced the existed family allowances¹⁹.

Furthermore, beneficiaries of international protection are excluded by law from the social allowance to students, which amounts to € 1,000 annually. According to article 10 of law 3220/2004, this allowance is provided only to Greek nationals and EU nationals²⁰.

Beneficiaries of international protection with disabilities also face great difficulties in their efforts to access welfare benefits. First they have to be examined by the Disability Accreditation Centre to assess if their disability is at a level above 67%, so that they can be granted the Severe Disability Allowance²¹. Even so, there are often still significant delays in the procedure.

Since February 2017, the Social Solidarity Income (Κοινωνικό Επίδομα Αλληλεγγύης - Κ.Ε.Α) is provided, a new welfare program regulated by Law 4389/2016²². This income of €200 per month for each household, plus €100 per month for each additional adult of the household and €50 per month for each additional minor member of the household, was designed in the current humanitarian crisis to temporarily support people who live below the poverty line, including beneficiaries of international protection. Provision is based on the following criteria: family status and family members, income and assets. It is described as a solidarity program and connected to supplementary services, such as access to social services that may provide cheaper electricity or water.

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¹⁹ Law 4093/2012 http://www.dsnet.gr/Epikairothta/Nomothesia/N4093_12.htm , Law 4472/2017 <https://www.forin.gr/laws/law/3581/nomos-4472-2017#!/?article=26874>

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²⁰ article 10 of law 3220/2004, <https://www.fle.gr/index.php/nomoi-p-d/101-nomoi-p-d-2004/293--322004->

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²¹ See Severe disability allowance <http://www.synigoros-solidarity.gr/solidarity/assets/uploads/2015/11/YA-Epidoma-varias-anapirias.pdf>

22

²² Social solidarity allowance article 235 Law 4389/2016, <http://www.et.gr/index.php/82-2013-01-30-08-00-00/340-n4389-2016> , <https://keaprogram.gr/pubnr/Home/Contact>

However, the preconditions are difficult to meet. In order to receive this income, each member of the household must obtain a Tax Registration Number (AFM), a Social Security Number (AMKA), and a bank account. Also, each household must legally and permanently reside in Greece and the following documents are required to prove their residence: (a) for residence in owner-occupied property, it is required to present a contract evidencing ownership and bills for state-owned enterprises; (b) for residence in rented property, it is required to present a copy of the electronic lease agreement, plus utility bills; (c) for residence in a property based on free concession, it is required to present the concession agreement and bills for state-owned enterprises. In case of homelessness, homeless applicants are required to submit a homelessness certificate issued by the municipality or by shelter or a day-center. It is obvious, that it is almost impossible for homeless beneficiaries to provide all of these documents and hence they cannot apply for the allowance.

Unfortunately, except of K.E.A., there are no other effective allowances in practice. There is no provision of social support for vulnerable refugee cases, such as victims of torture, by the State. The only psychosocial and legal support addressed on the identification and rehabilitation of torture victims in Greece is offered by three NGOs GCR, Day Centre Babel and Doctors without Borders, which means that the continuity of the program depends on funding.

Finally, retirees beneficiaries of international protection, in principle have the right to the *Social Solidarity Benefit of Uninsured Retirees*, according to article 93 of Law 4387/2016 ²³. However, the requirement of 15 years of permanent residence in Greece in practice excludes seniors who are newly recognized refugees from this benefit. The period while they were applicants of international protection in Greece is not calculated, since legally the application for international protection is not considered as a residence permit.

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²³ Social Solidarity Benefit of Uninsured Retirees

http://www.eea.gr/system/uploads/asset/data/11639/N.4387-16_FEK_ASFALISTIKO.pdf

(3) Regarding the matter of whether aliens granted Convention status or subsidiary protection in Greece, including physically disabled aliens, have access to integration programs in Greece, please bear in mind the following information:

According to law 4375/2016 articles 69 and 71²⁴, beneficiaries of international protection in Greece have complete and automatic access to the labor market. In practice unemployment rates are so high (which currently run at over 23,5 %²⁵), and competition from workers who speak Greek is so intense, that it is specifically extremely difficult for newly recognized refugees who do not speak Greek to find employment. Additionally, beneficiaries of international protection in Greece face obstacles in enrolling in vocational training programs as the majority of them cannot provide evidence (high school degrees, diplomas e.tc.) of their educational background, which are prerequisites for participating.

In accordance with the provisions of article 31 of Law 2515/1997²⁶, a Tax Registration Number (AFM) is mandatory for all persons and companies who have their domicile or professional housing or carry out taxation transactions within the Greek Territory. Along with AFM, submitting tax declarations is also an obligation for all residents and a precondition for entering employment and accessing social benefits and allowances. The declaration of an address and the submission of a tenancy agreement or a hosting declaration as well as the homelessness certificate are necessary for the registration by the competent tax service. Additionally, a family certificate or marriage certificate is necessary for the registration of family status with the tax services. Beneficiaries face barriers to proper registration with the tax authorities due to the lack of documents required for proving accommodation or homelessness.

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²⁴ Law 4375/2016 <https://www.synigoros.gr/?i=foreigner.el.politikoi-nomoi.359552>

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²⁵ Eurostat <http://ec.europa.eu/eurostat/documents/2995521/8002525/3-02052017-AP-EN.pdf/94b69232-83a9-4011-8c85-1d4311215619>

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²⁶ Law 2515/1997 <https://www.e-forologia.gr/lawbank/document.aspx?digest=8F407FD28D1B1580.1D031AEA53&version=2014/12/24>

The acquisition of Greek citizenship by refugees or beneficiaries of subsidiary protection is regulated by the Code of Greek Citizenship²⁷ as amended by law 4332/2015. Specifically, a refugee can apply for the acquisition of Greek citizenship 3 years after recognition, and a beneficiary of subsidiary protection 7 years after recognition. Applicants for the acquisition of Greek citizenship must be integrated in the economic and social life of the country and be able to actively participate in the political life, according to the criteria set out in the article 5A of the Code of Greek Citizenship (general knowledge of history-geography-politics). Furthermore, one must undergo a lasting, complex and demanding interview procedure, that involves deep knowledge of the Greek history, culture, politics and literature etc. Also, there are huge delays in the procedure until the acquisition of Greek citizenship; the average time now stands at 3-5 years after the initial application.

In conclusion, there are many problems in the field of integration today. The administrative procedures for the granting of Social Security Number, Tax Registration Number, unemployment cards, bank accounts, etc. remain extremely problematic, while Greek language learning and labor market links remain fragmented and inadequate, making the integration of the population more difficult.

(4) Regarding the matter of how the Greek authorities consider inquiries from aliens granted Convention status or subsidiary protection in Greece concerning criminal offences committed against them and whether the Greek authorities in actual fact offer protection in such situations.

During 2016/17, allegations of torture or other ill-treatment of individuals, including refugees, asylum-seekers and migrants during arrest or in immigration detention where

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²⁷ Code of Greek Citizenship

<http://www.ministryofjustice.gr/site/kodikis/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%AE%CF%81%CE%B9%CE%BF%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3%CE%95%CE%9B%CE%9B%CE%97%CE%9D%CE%99%CE%9A%CE%97%CE%A3%CE%99%CE%98%CE%91%CE%93%CE%95%CE%9D%CE%95%CE%99%CE%91%CE%A3/tabid/256/language/el-GR/Default.aspx>

reported. Hate-motivated attacks continued to be documented against people belonging to vulnerable groups including refugees, asylum-seekers and migrants. In December 2016, Parliament adopted a law designating the Greek Ombudsperson as a national police complaints mechanism. The mechanism has the power to conduct its own investigations

but its recommendations to the disciplinary bodies of law enforcement agencies are non-binding.²⁸

In 2015, the Racist Violence Recording Network²⁹ – developed by UNHCR and civil society organisations – documented 75 racist crimes against migrants or refugees. In a majority of these crimes, the victim suffered personal injuries. Severe attacks were also documented. However, impunity runs high in Greece. Positively, refugees and migrants who may be victims of hate crimes are excluded from the return procedure and may be granted humanitarian permits. Possible victims of hate crimes are also exempted from paying a deposit when they sue the perpetrators³⁰

Conclusion

In light of the above mentioned, on April 19th, 2017, the Administrative Court in Hannover (Verwaltungsgericht Hannover) granted a suspension on the transfer of a recognized refugee to Greece in an appeals case.³¹ The Court considered his transfer to Greece a breach of the ECHR.

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■ GREECE 2016/2017

<https://www.amnesty.org/en/countries/europe-and-central-asia/greece/report-greece/>

29

■ Racist Violence Recording Network

<http://rvrn.org/2017/04/%CE%B5%CF%84%CE%AE%CF%83%CE%B9%CE%B1-%CE%AD%CE%BA%CE%B8%CE%B5%CF%83%CE%B7-2016/>

30

■ Current migration situation in the EU: hate crime

http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-november-monthly-focus-hate-crime_en.pdf

31

■ <https://www.proasyl.de/wp-content/uploads/2015/12/2017-07-28-Legal-note-RSA-BR-final.pdf>

On May 8th, 2017, the Federal Constitutional Court (Bundesverfassungsgericht) stopped the removal of a recognized refugee from Syria to Greece and highlighted the need of examination of “how access to shelter, food and sanitary facilities would be safeguarded for recognized refugees returned to Greece at least in the first period after their arrival there”³².

In general, integration for refugees in Greece was primarily the responsibility of the Ministry of Interior, responsible for the management of the European Integration Fund. Since the funds transformation to AMIF, there was a newly appointed state authority responsible for managing it. In the last two years almost nothing has happened regarding integration matters, except of the formal educational program for minors beneficiaries of international protection and a small pilot program concerning vocational training in the agriculture sector³³.

In the absence of State sponsored integration programs, NGO's are struggling to assist refugees. Yet, given the current situation in Greece where over 50000 people have been added to those who were recognized as refugees and to those who are in the process being recognized (asylum seekers)³⁴, the emphasis of even the NGO's is placed upon meeting the needs of the newly arrived. In essence the assistance in terms of integrating refugees in Greece could be rated from extremely limited to nonexistent. Consequently, newly recognized refugees have not much to expect for and most likely will continue to face living conditions which do not facilitate their integration but on the contrary have basic characteristics of social exclusion. (No housing is foreseen based on Refugees status, nor is there a financial support envisioned until someone manages to find employment. Moreover, UNHCR

32 <https://refugeelawclinicsabroad.org/2017/05/26/german-federal-constitutional-court-halts-the-deportation-of-a-syrian-refugee-to-greece/>

33

A list of actions is mentioned here, unfortunately only in Greek:
http://www.amifisf.gr/prosklisi_cat/tame/

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■ Apart from the 570,000 third country nationals legally residing in the country and the high stock of undocumented migrants.

can fund an extremely limited number of projects for providing information, counseling, legal and social assistance to refugees. According to our experience, the possibility for direct financial assistance to beneficiaries of international protection arising from such projects is extremely limited and framed within the duration of each project. Therefore, such financial assistance can only have an extremely limited effect.

To conclude, GCR notes that the recognition of asylum seekers as beneficiaries of international protection does not result in any improvement of their social status. Instead, many of them continue to be homeless and unemployed with no future possibility of improvement. The majority of beneficiaries of international protection have never received adequate reception facilities, like housing and financial support. As a result, they keep facing serious welfare problems (poverty, homelessness, unemployment etc) and most of the times they cannot cover their basic needs. The lack of national integration policy for beneficiaries of international protection combined with the strong economic and social crisis in Greece creates an environment for refugees, non-conducive to integration but rather to social exclusion.

Yours sincerely,

Vasileios PAPADOPOULOS

Legal Unit Coordinator

Greek Council for Refugees

Eleni KAGIOU

Lawyer at Greek Council for Refugees'

Legal Unit

Natalia-Rafaella KAFKOUTSOU

Lawyer at Greek Council for Refugees'

Legal Unit



THE GREEK OMBUDSMAN
INDEPENDENT AUTHORITY

Athens, October 4th, 2017

Mr. SØREN VØHTZ
HEAD OF DEPARTMENT, AMBASSADOR
CENTER FOR CONSULAR AFFAIRS – VISAS AND PASSPORTS
MINISTRY OF FOREIGN AFFAIRS

Re: Request of information by the Danish Refugee Appeals Board. (ref: "2017 -3498
Greece FLN Hearing")

Dear Mr. VØHTZ,

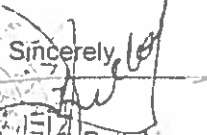
The Greek Ombudsman, as a constitutional independent authority, follows the situation of asylum seekers and persons granted refugee status or subsidiary protection in Greece on the basis of individual complaints or on its own initiative, under Statute 3094/2003.

On the subject of access to housing, education, healthcare and social welfare, we would like to inform you that the Greek Ombudsman issued a special report on April 2017, addressing several issues of the refugee situation in Greece, giving particular emphasis on the period of time since the 2015 peak of the number of refugees and migrants and until a year after the implementation of the EU-Turkey Joint Statement of March 18th, 2016.

https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf

Please also note the references to our work on equal access to social security benefits by asylum seekers, in the European network of equality bodies (Equinet) factsheet appendix dated December 2016, attached.

All issues related to your questions are published in our website www.synigoros.gr

Sincerely,

Andreas Pottakis
The Greek Ombudsman

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EQUALITY BODIES AND INTEGRATION OF MIGRANTS, REFUGEES AND ASYLUM SEEKERS

APPENDIX – COMPILATION OF GOOD PRACTICES

CASEWORK AND COMPLAINTS

AUSTRIA – Ombud for Equal Treatment

Access to night clubs

GLEICHBEHANDLUNGSANWALTSCHAFT • ÖSTERREICH

The Austrian Ombud for Equal Treatment reported cases of migrant men being denied access to night clubs. Both the Austrian Equal Treatment Commission and the competent civil courts have found discrimination on grounds of ethnicity in many cases, leading to amicable solutions, including for instance an apology or an invitation to the club, or the payment of damages. On the basis of its counseling experience in these cases, the Ombud also offers special legal and sensitization trainings to security staff and doormen.

Recently there have been reports about incidents of explicit exclusion of asylum-seekers and refugees at clubs and discos, a case is currently pending at the Equal Treatment Commission.

CZECH REPUBLIC – Public Defender of Rights

Refugee woman wearing the headscarf and access to education



Veřejný ochránce práv
OMBUDESMAN

An asylum-holder was forbidden to wear her headscarf at her medical school and withdrew from her studies. The school policy prohibited any head-dress without exception. The Public Defender of Rights concluded that the school indirectly discriminated against her, given that no legitimate aim was found behind the policy, violating the European Convention on Human Rights and the Czech Charter of Fundamental Rights. Following the decision of the Public Defender of Rights, the complainant initiated an anti-discrimination lawsuit which is still pending.

FRANCE – Defender of Rights

Sexual harassment against migrant women



In a decision regarding sexual harassment against the employee of a cleaning company, the Defender of Rights sought external expertise on the relationships of power and domination migrant women are subject to in the cleaning business.

GREECE – Greek Ombudsman

Equal access of asylum seekers to social security benefits



The Ombudsman received a complaint from an Iraqi refugee who was diagnosed with a serious mental illness. Following the complaint, the Greek Ombudsman successfully recommended amending the ministerial decree on benefit payments for people with special needs by using Article 23 of the 1951 Geneva Convention which provides that refugees are entitled to the same social welfare treatment as nationals.

MALTA – National Commission for Persons with Disabilities (KNPD)
Accessibility of the building of the Commissioner for Refugees



The KNPD received a complaint from wheelchair user. She needed to access the Office of the Commissioner for Refugees (OCR), but the entrance of the building is not accessible due to stairs. The KNPD contacted the OCR and requested feedback on this issue. Following confirmation from the OCR that the building is not accessible, the KNPD requested the OCR to provide a plan including a timeframe by when the offices would be made accessible. The issue is currently being discussed by the relevant Ministry.

UK GREAT BRITAIN – Equality and Human Rights Commission (EHRC)
Case on asylum claims and sexual orientation



The EHRC brought a claim for judicial review in the case *HJ (Iran) v Secretary of State for the Home Department*. On 7th July 2010, the Supreme Court ruled that homosexual asylum seekers should be granted refugee status if going back to their homeland would result in them being forced to conceal their sexuality or face persecution for living openly as a gay person. The case can be found [here](#).

AWARENESS RAISING AND PROMOTION

GREECE – Greek Ombudsman
Online Guide on social rights and benefits for vulnerable groups (2016)



In 2016, the Greek Ombudsman issued an online Guide on social rights and benefits for vulnerable groups, with the support of the EEA Grant programme. The Guide focuses on the rights of the most socially and economically vulnerable groups that are often excluded from the protection mechanisms of the Greek state. It therefore also targets migrants and refugees. It includes information related to taxes, housing, employment,

education, health and public insurance.

10 000 printed copies were disseminated to public services, local authorities, social security offices, Ministries and NGOs working with people in poverty all over the country. The Online Guide is available in Greek [here](#).

PORTUGAL – High Commission for Migration
Magazine “Myths and facts about Refugees”



In cooperation with the Refugees’ Support Platform (an online platform aggregating NGOs, public institutions, universities, media and other groups), the High Commission for Migration released a magazine on “myths and facts about refugees”. 500 000 printed copies of the magazine were disseminated for free through the main Portuguese newspapers.

The electronic version of the magazine is available [here](#).

PORTUGAL – High Commission for Migration, Commission for Citizenship and Gender Equality (CIG), Commission for Equality in Labour and Employment (CITE)

Promotion of information to migrants about the labour market, safety and health at work



ACM

ALTO COMISSARIADO PARA AS MIGRAÇÕES I.P.



Comissão para a Cidadania e Igualdade de Género
Presidência do Conselho de Ministros



COMISSÃO PARA A IGUALDADE
NO TRABALHO E NO EMPREGO

The Portuguese Strategic Plan for Migration foresees the promotion of “information on rights and duties of migrant workers in the areas of labour relations, safety and health at work, and awareness-raising and information relating to equality and non-gender discrimination, particularly in the area of parenting, equal pay, reconciling work and family life, and moral and sexual harassment”. This measure is implemented in a partnership between the High Commission for Migration, the Commission for Citizenship and Gender Equality, the Commission for Equality in Labour and Employment (CITE) (all of them Equinet members) and the Authority for Working Conditions. Training sessions on various issues such as combating human trafficking, preventing and eliminating Female Genital Mutilation (FGM), and gender equality were organised.

MALTA – National Commission for the Promotion of Equality (NCPE)

Training to asylum-seekers and refugees



The NCPE was invited by the Agency for the Welfare of Asylum-Seekers (AWAS) to provide equality training to all asylum-seekers residing in state-run open centres. Eight 2-hour sessions were delivered in April and May 2016 to which approximately 150 asylum-seekers from different nationalities participated. During the sessions NCPE explained the rights and obligations emanating from equality legislation in Malta and discussed with participants examples of discrimination at the workplace and in the provision of goods and services. Participations were also given the opportunity to share and discuss personal experiences, and they were informed on how to lodge a complaint with NCPE. Information material on equality law and the NCPE was distributed following the session. Training is now being planned for employees working in open centres for asylum-seekers.

SLOVAKIA – Slovak National Centre for Human Rights

Awareness raising in schools



As part of its awareness raising mission, the Slovak National Centre for Human Rights organises debates and activities in relation to equality and non-discrimination. Some activities specifically focused on the rights of migrants, asylum seekers and refugees in Slovakia.

RECOMMENDATIONS

CZECH REPUBLIC – Public Defender of Rights

Legislation on access to health insurance



According to the current Czech legislation, access to public health insurance can only be granted to third country nationals with a permanent residence permit. However, permanent residency is only granted after 5 years of residence in the Czech Republic. In the meantime, third country nationals have to purchase private health insurance. The Public Defender of Rights has repeatedly made recommendations to Parliament to amend the Public Insurance Act but no changes in the legislation have been made. An application for annulment of the law is currently pending before the Czech Constitutional Court. The Public Defender of Rights is a party to the proceedings before the Constitutional Court.

FRANCE – Defender of Rights

White Paper on the Fundamental Rights of Foreigners



In May 2016, the Defender of Rights issued a White Paper on the fundamental rights of foreigners living in France. The Paper gives recommendations regarding the respect of fundamental rights in the entry, residency and expulsion of foreigners, but also on equal treatment and non-discrimination. The paper is available in [French](#) and [English](#).

UNITED KINGDOM – NORTHERN IRELAND - Equality Commission for Northern Ireland (ECNI)

Position Paper on racial discrimination



In 2014, ECNI published a position paper on racial discrimination. It sets out a range of specific actions to promote the integration of migrants in areas such as employment, housing, health and social welfare. The paper is available in English [here](#).

CAPACITY BUILDING

BELGIUM – Unia (Interfederal Centre for Equal Opportunities)

Training of trainers



Unia delivered training to Flemish trainers in charge of a project on social accompaniment and information for newly arrived migrants in Belgium. It focused on anti-discrimination legislation and practical advice on what to do in case of discrimination.

GREECE – Greek Ombudsman

Guide for public servants



In 2014, the Greek Ombudsman published a Guide for Public Servants consisting of an on-line manual on issues of discrimination on the grounds covered by EU and Greek legislation. The guide aims to help civil servants understand the basic facts and problems faced by the most vulnerable groups, including migrants.

500 copies were initially printed. They were firstly disseminated to the heads of public services which are frequently in contact with the targeted groups, such as migration and civic status authorities, municipal administration, police, prisons and schools.

It is available in Greek [here](#). More information in English is available [here](#).

IRELAND – Irish Human Rights and Equality Commission (IHREC)

Equality training session in the mushroom industry



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

In 2010 the Equality Mainstreaming Unit in the former Equality Authority supported a partnership project led by SIPTU (national trade union) that sought to increase its organisational capacity to support and improve equality outcomes for migrant women working in the mushroom industry. Three equality training sessions were held for the Commercial Mushroom Producers Association and equality guidelines were produced in the form of a video documenting the experiences of female migrant workers in the mushroom industry. Finally, a training module on equality was developed and integrated into training programmes for key union staff and personnel.

PORTUGAL – High Commission for Migration

Mentoring Programme for Migrants



ACM
ALTO COMISSARIADO PARA AS MIGRAÇÕES I.P.

In 2012, the High Commission for Migration developed a mentoring programme aiming to exchange experiences and support migrants with their everyday tasks in Portugal. It was developed as a joint initiative of the High Commission for Migration and GRACE (Group of Reflection and Support to Corporate Citizenship). The mentors are also migrants. By 2015, 411 mentors (330 women and 111 men) and 152 mentees (79 women and 73 men) registered to the programme. The website of the project is available [here](#) in Portuguese.

OTHER ACTIVITIES

OTHER MANDATES OF THE EQUALITY BODY

FINLAND – Non-Discrimination Ombudsman

National Rapporteur on Trafficking in Human Beings



The Finnish Ombudsman is also National Rapporteur on Trafficking in Human Beings under the EU Directive 2011/36/EU and monitors the implementation of the Directive at national level, with a focus on the rights of the victims (a significant share of whom are non-Finnish citizens).

GREECE – Greek Ombudsman

Monitoring of returns of third country nationals



The Greek Ombudsman is competent to monitor the returns of third country nationals under the EU Directive 2008/115/EC and has the competence to visit detention centres and to issue recommendations.

HUNGARY – Office of the Commissioner for Fundamental Rights

National Preventive Mechanism – Optional Protocol to the Convention against Torture (OPCAT)



report is available [here](#) (in English).

As National Preventive Mechanism for the OPCAT, the Commissioner has the power to visit reception centres. In April 2015, a report on an on-site visit to the Debrecen Guarded Refugee Centre was published. It provides recommendations on the living and security conditions of the Centre. The

IRELAND – Irish Human Rights and Equality Commission (IHREC)

National Human Rights Institution - Public statement about protection of refugees in Ireland



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

In 2016, the IHREC published a [public statement](#), expressing their concerns over protection of refugees in Ireland, with a specific focus on child refugees and migrants.

IRELAND – Irish Human Rights and Equality Commission (IHREC)

Submission to the UN Committee on the Elimination of all forms of Discrimination against Women (CEDAW)



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

In its 2015 submission to the CEDAW Committee, the IHREC raised concerns in relation to undocumented workers who may be victims of forced labour, or undocumented women who are victims of domestic violence.

DIRECT SUPPORT

PORTUGAL – High Commission for Migration

Email address and support line



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ALTO COMISSARIADO PARA AS MIGRAÇÕES IP

In September 2015, the High Commission for Migration launched an email address (refugiados@acm.gov.pt), a telephone line and a website (www.refugiados.acm.gov.pt). They aim to provide answers and collect contributions from institutions and citizens in order to support the hosting and integration of the 4574 refugees Portugal committed to welcome.

The complaints or requests of information about the Portuguese legislation received through these tools are forwarded to the Commission for Equality and against Racial Discrimination (www.cicdr.pt).

In parallel, the High Commission for Migration created the Support Office for the Integration of Refugees. This office aims to provide information about integration issues and to help refugees access migrant support services available in Portugal.

RESEARCH

MALTA – National Commission for the Promotion of Equality (NCPE)

Study on female genital mutilation (FGM)



In the context of its work on violence against women, the NCPE conducted a study on FGM. It took into account the needs of healthcare providers when helping women and girls who have experienced FGM. It aimed to provide decision-makers with concrete evidence and recommendations. It was accompanied by an information leaflet. The link to the project on violence against women and the research on FGM is available [here](#) in English.



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