



**FINAL REPORT OF THE PROJECT "PROVISION OF LEGAL
COUNSELING TO REFUGEES"**



Athens, December 2017

INDEX

Identity of the League	3
Introduction and Methodology	4
A. Description of the field of intervention	7
"Softex" open accommodation centre	7
"Dion-Elpida" open accommodation centre	8
"Skaramangas" open accommodation centre	8
Administrative issues and problems in the provision of services	9
B. Demographics	11
C. Most important legal issues	13
i) Geographical restriction	13
ii) Family Reunification	16
iii) Relocation	17
Legal Counseling	19
Legal Support	19
D. Conclusions - Position statements of the League	22

*The cover photo is taken from the Skaramagkas accommodation center

Identity of the League

The Hellenic League of Human Rights (HLHR) aims at the protection of human rights in Greece, developing its action in the following areas:

- The refugee and migration crisis in regard to the rights of asylum seekers and migrants, the existing legal framework as well as seeking solution to problems such as legality, detention, deportation, asylum etc.
- The reform of the citizenship law and the rationalization of relevant mechanisms.
- Racist violence and racist speech as levers to undermine the enjoyment of a series of rights.
- The rise of neo-Nazism and the impact on the coherence of the rule of law.

HLHR undertakes regular public interventions with press releases, press conferences, documentation texts, memos legislative proposals and reports. To maximize the achievement of its goals, the League envisages the cooperation with other human rights national or international bodies (human rights organizations, Greek Ombudsman, National Commission for Human Rights, and international organizations, Council of Europe, the UN).

The League, since its establishment, is a member of the International Federation for Human Rights (FIDH), representing this international, non-governmental organization in Greece. It is a member of the European Association of Human Rights (AEDH) and is represented in the association's board. Also, the League participates in the following bodies

- the National Commission of Human Rights
- the Council of Migrants' Integration of the Municipality of Athens
- the Council of Migrants' Integration of the Municipality of Thessaloniki
- the Racist Violence Recording Network under the coordination of the National Commission of Human Rights and the UNHCR and relative committee of Min. of Justice

Detail information about the League's activities during the last year, the reader can find in the Annual Activity Report 2016 (only in Greek here: [Ετήσια Αναφορά Δράσεων 2016](#)).

Introduction and Methodology

During the summer of 2015 there was a mass influx of refugee and migrant population in Greece. The progression of the war in Syria, Iraq and the ongoing conflict in most of the regions of Afghanistan led more than one million people in the doorstep of Europe. Most of them crossed through the Greek-Turkish sea borders and many moved onwards, initially spontaneously and later in an increasingly coordinated manner through the Western Balkan countries, primarily to Germany, Sweden and Austria but also other Member States.

After the closure of the Balkan route in February 2016 around 50.000 people found themselves stranded in Greece. International and national NGOs started operating on the islands and the mainland, in order to provide assistance and protection. Camp-like facilities were set up around mainland Greece to host migrants and refugees. The vast majority of them were set in isolated areas, away from the city centers and inadequate for long-term stay. Although these camps were introduced as a temporary solution many of them have become rather a permanent settlement. In the reports of various fact finding missions from organizations and institutions, the disregarding living conditions and the poor services were widely criticized. Despite the fact that some 20,000 people are accommodated in hotels and apartments by the UNHCR'S accommodation scheme, a significant number of people still reside in camp-like facilities.

Following the closure of the Balkan route, in March 2016, EU and Turkish leaders agreed on a statement to tackle migration: *“From 20 March 2016, all new irregular migrants arriving on the Greek islands will be returned to Turkey if they do not apply for asylum or if their claim is rejected. For every Syrian returned to Turkey from the Greek islands, another Syrian will be resettled in the EU.”*

Those in Greece before the 20th of March were transferred to the mainland, while asylum seekers arriving from 20 March 2016 onwards; were confined at the island of arrival and subjected to an admissibility or eligibility process, depending on their nationality. Those going through the admissibility procedure were simply examined on whether or Turkey could be a safe country for them —those safe to return deemed *“inadmissible”* and those not safe to be returned, deemed *“admissible”*, having their asylum application examined on its merits – the eligibility procedure. At present, the Greek authorities have stated they only have assurances that Turkey is a safe country for Syrians, so in practice, most people of other nationalities are found admissible by Greek Asylum Service - GAS and are directed to an examination of the eligibility of their claim.

Arrivals since 20 March are placed under a *“geographical restriction”* meaning they are unable to leave the Greek islands before their case is processed, as Turkey will only accept returns that remain on the islands. In practice, this means that people who receive a positive first or second instance decision will ultimately be able to move to the mainland; however, those receiving negative decisions will be processed for return to Turkey. However, people are defying this policy and finding irregular

ways to reach the mainland, sometimes even before receiving any decision. The large majority, however, are unable to move forward and find themselves contained to their island of arrival for anywhere from months to more than a year in overcrowded facilities as they go through their long, often complex admissibility or asylum procedures.

Over the course of last year, non-winterized structures, overcrowded facilities and extremely bad living conditions, within an insufficient protection framework, led to six deaths, several suicide attempts, people engaging in self harm and children, women, and men exposed to abuse and sexual violence. During the winter of 2016-2017, HLHR issued a Press Release that was urging the Greek authorities to take measures in order to protect and respect all the people from the adverse weather conditions¹.

In this context, since August 2016, HLHR has developed a number of services to address refugees' rights protection.

This report was drafted by the project team on behalf of the Hellenic League for Human Rights, in the context of the *Provision of Legal Counseling and other Basic Information for the Refugees* program. All the information was collected in the course of the project and they are described within the text².

The main goals of the project were:

- To provide legal and other basic information to refugees and asylum seekers
- To inform refugees about their rights, the asylum application procedure and participation in relocation programs
- To provide support for any asylum/family reunification/relocation procedure
- To spot vulnerable persons and provide them with specialized support
- To refer cases of particular need to the competent bodies and authorities
- To support the refugee population to meet its daily, basic needs by providing information through various ways and media

In order to meet the aforementioned objectives, the project team designed and implemented the following lines of action:

- individual and / or group sessions with beneficiaries residing in temporary camps in Northern Greece and Attica by groups of legal advisers. Legal support was provided in special asylum seeker's and recognized refugee cases residing outside the camps.
- developing a [website](#) with legal and other basic information on refugees -asylum seekers in four languages (Greek - English - Arabic - Farsi)

¹<https://goo.gl/wXii7d> (only in Greek)

²All information and facts as documented until the 30th of November, 2017

- development of an information application for mobile phones (androids, i-phones) through which legal information and other basic information is provided in 4 languages (Greek - English - Arabic - Farsi)
- issuing of the project's promotional leaflet, containing all the basic project and target information. This was distributed to selected points in Attica and Northern Greece in order to reach the relevant population.

Through these actions, legal information was provided to the population located in the fields of intervention (Skaramagas - Attiki, Dion and Softex in Northern Greece) and to people from other areas and hosting settlements that had access to the website or the information application.

The field team members were a lawyer, a political/social scientist and the respective Arabic/Farsi/Sorani interpreters. The fields of intervention were chosen after the evaluation of services provided within the reception centres in Northern Greece and Attiki, which showed that the residents in these centres were significantly underinformed of their legal rights.

The following report presents the three reception centres, the management problems which arose due to the structure of these temporary housing centres, the lack in the provision of services, the basic and some more specific legal issues observed by the field teams, the parallel actions undertaken in cooperation with a larger project team and the conclusions as well as the League's proposals resulting from this project.

A. Description of the field of intervention

The field team members provided legal aid to three (3) temporary reception centres: i) the Softex centre in Diavata, Thessaloniki, ii) the Dion-Elpida centre in Derveni, Thessaloniki and iii) the Skaramagka centre, Attiki. During the drafting of this report the Softex and Dion centres had been closed, while the Skaramaga centre remains in use.

“Softex” open accommodation centre

The Softex centre was located outside the residential area within the industrial zone of Western Thessaloniki, part of which is now abandoned, near the railway station, adjacent to an area with abandoned wagons between the railway station and the city’ industrial zone where people without the necessary legal documents are still residing.

Regarding the management and the operational procedures, the military coordinator was following the operational plan drawn by the Hellenic National Defense General Staff and a separate logistics plan as drawn by the 71st Air transport Brigade. The latter body was also in charge of the centre. Also, the Ministry of Migration Policy had not appointed a coordinator from late March 2017 until late June 2017, when the centre finally closed.

The 50% of the residents were Syrians, while the remaining 50% were mostly Algerians (around 20%) and the rest were Iraqis, Moroccans, Pakistanis and Afghans. During October 2016 - February 2017, the centre numbered about 1,500 people; the majority were families of Syrian origin. During February - March 2017, a number of beneficiaries was moved to suitable winter accommodation, while from March 2017 to May 2017 the residents decreased gradually to around 380 people., with the goal being to be reduced even more. Shortly before the centre was closed, the majority of the residents were young, unmarried men. There were about 15 families as well.

Until March 2017, the beneficiaries were residing in tents and they were gradually moved to containers. Most of the containers had electricity but there were problems in the drainage and water supply systems.

Within the centre, there were both permanent and mobile organizations present, providing legal and medical / psychological support. There were educational programs (Arabic, English and Greek language courses as well maths, biology and geography classe) and creative learning workshops for preschool children and women. The organizations provided all of the above types of aid within the centre were: UNHCR, Save the Children, Metadrasi, the Greek Council for Refugees (GCR), Médecins Sans Frontières(MSF), the Ministry of Education, the International Federation of Red Cross (IFRC), British Red Cross, Finnish Red Cross, Intervolve, Intersos, the International Organization for Migration (IOM) and KEELPNO. The centre finally closed in June 2017.

“Dion-Elpida” open accommodation centre

This structure was located outside the residential zone of Western Thessaloniki, just off the highway Thessaloniki - Kilkis, in Derveni, next to a forest. The residents were housed in a former clothing craftsmanship.

The Ministry of Administration and E-Governance had signed an agreement with the Canadian Radcliffe Foundation, which had assumed the financial and administrative support of this centre. The organizations present were controlled by a private security company.

The residents were exclusively families and vulnerable individuals (mainly with serious health problems). The majority were Syrians and Iraqis.

The beneficiaries stayed in rooms (one per each family) with windows, while there were large, bright communal areas (shared toilets/bathrooms and kitchens) as well as indoor and outdoor activity spaces.

The organizations which provided medical and psychosocial aid were: SolidarityNow, Better Days, Team Rubincon, Arsis, UNHCR and ERCI (Emergency Response Centre International). The centre closed in June 2017.

“Skaramangas” open accommodation centre

It is a Navy dock, located close to the Skaramangas yards, in a fenced area next to a dock used as a warehouse. The transportation to and from the structure is via OASA buses.

The centre was operated until June 2017 by the Ministry for Migration. The Danish Refugee Council provided administrative support (Site Management Support). The Greek Police was responsible for the safety within the centre with two police officers present 24/7. Until June 2017, the Navy controlled entry in the camp. The right to housing in the centre had only those included in the lists of KEPOM³.

The occupancy of the centre was about 3,200 people. Occasionally, that number mounted to 3,500. The vast majority were Syrians (around 2,500, Arabs, Kurds and a few Palestinian families), followed by Iraqis (around 500, 200 of whom were Yezidis and the rest of Arab and Kurdish origin). Also, there were around 200 Afghans (the vast majority were Tajiks and there were a few Hazara families and some Pashtuns). In the drafting stage of this report, approximately 2,800 people were registered in Skaramagas and an unspecified number of individuals (around 300 - 500).

³Centre for the Operational Organization for Migration, an informal coordinating body consisting of the Ministry of National Defense, the Ministry of Citizen Protection, the Ministry for Migration, the Ministry of Interior, the Ministry of Shipping and Island Policy, the Ministry of Health, the Ministry of Transport and Communication and the Ministry of Foreign Affairs.

The beneficiaries reside in two-room containers (up to eight person occupancy each). Also, there were cases of two families living in one container, one family in each room. There is one bathroom with shower and the rooms include bunk-beds or mattresses on the floor.

In Skaramaga operate the following organizations: the Danisg Refugge Council, the Red Cross Movement (Hellenic Red Cross, Spanish Red Cross, IFRC), the UNHCR, Unicef, the International Rescue Committee, Drop n the Ocean, Organization Earth, Hope School, Caritas, Babel, the British Council, ELIX, the Open School of Piraeus, Melifera, the Municipality of Chaidari, the Ministry of Education and KEELPNO, all of which provided education and creative workshops, health services, psychosocial support and legal counseling. During the first week of March 2017, the children school enrolment procedure began. So far, around 300 children attend classes to six primary schools and two high schools in the Municipality of Chaidari. The shuttle services are provided by the Ministry of Education assisted by IOM and Municipality of Chaidari employees.

Administrative issues and problems in the provision of services

A common characteristic of these three accommodation centres where we provided legal counseling and support, and which is common in almost all those facilities throughout Greece, is the fact that these sites operate outside a statutory operating regulation system and outside residential zones, while their administrative support is undertaken by different bodies. For instance, the Radcliffe Foundation managed the Dion_Elpida centre, while the Skaramagas site was operated by the Ministry of Migration Policy representatives. However, even in these cases, the Ministry of Migration administrative support was not direct, as there was no Ministry representative present in the Softex centre since March 2017, nor in the Skaramagas centre since June 2017. The results of such a lack of personnel were:

a) A big number of unregistered individuals within the centres, who, as they did not have a permanent home address could not have access to a number of services and rights, such as money card for food, referral to the Asylum Services/UNHCR housing programs (even in extreme vulnerability cases) and issuing of VAT and Social Security number.

b) To raise serious safety issues within the accommodation centres, as the lack of control resulted in these sites being accessible to anyone. Very often, violence was observed among different ethnic groups. Also, there have been cases of violence against women or incidents of domestic violence. There were incidents of verbal abuse as well, or cases of threats by the beneficiaries to organization employees, thefts and container vandalism, but on a smaller scale.

c) A sense of abandonment by the state was experienced by the residents.

All the above, along with the living conditions, had exacerbated the already bad psychological state of the residents, which resulted in daily and increasingly intense violent incidents toward their co-habitants and even organization employees. This was assisted by the deliberate isolation as they were living outside the residential zones.

At the Softex centre, the greatest lack was observed in the provision of psychosocial adult support. The absence of organizations and their respective programs as well as the treatment of such incidents intensified the degraded situation within the site. At the same time, there was a lack in health aid, making it difficult to refer incidents that took place outside the centre to public hospitals.

Also, there was a complete lack in creative workshops for adults within the site, while the transport from/to the centre was extremely difficult as there was no bus stop nearby. The security issues in the centre made the access even more dangerous.

In conclusion, the Softex centre is a prime example of poor operational and structural practices.

At the Skaramagas centre, various gaps in services have been observed. In particular, during the implementation of the program in this site, the Hellenic League for Human Rights undertook the greatest responsibility as far as the legal support of the residents was concerned, since the until-then-residents were supported by the Danish Refugee Council (DRC) which provided them with legal counseling twice a week. Since July 2017, the organization lawyer is there four times a week, while after the League withdrawn from the field, the DRC is the sole responsible body for the 2,800- 3,000 residents. Also, there is a big lack in the provision of legal assistance regarding the civil and criminal law cases within the centre, while the legal support for minors is fragmented; there are child protection actors in the camp but in 2017, the competent lawyer specialized in unaccompanied minor asylum seekers was present only the period between June and September 2017. This meant that children have to commute outside the centre to meet with their attorneys. Between January 2017 and April 2017, HLHR and DRC took care of the unaccompanied minor cases, until the arrival of the Greek Council for the Refugees.

Significant deficiencies had been observed regarding the support of Sexual-Gender Based Violence (SBGV) victims during the weekdays after 17:00, when the organizations leave the field and during the weekends.

Also, there's a lack in psychological support for the male population. Most psychosocial support services aim at women and children, which deprive the male population of access to such services, to a large extend.

Last but not least, since June 2017 when a representative of the Ministry of Migration stopped being in attendance and the registration of the residents halted, it became extremely difficult to identify and count the unaccompanied minors living in the area and to be contacted by the child protection officers. However, even in cases these minors are identified, due to lack of available places at the EKKKA hostels, minors are forced to remain in conditions of insecurity at the Skaramaga site.

B. Demographics

The following aggregate data from all three fields of intervention have been recorded. These are:

The total number of beneficiaries (including their family members) is **1,446**. The field team responded to all beneficiary requests, i.e. a **total of 1,309 requests**.

The total number of beneficiaries were **adults**, while a small number of requests concerned unaccompanied minors (5%).

Regarding the country of **origin of the beneficiaries**, it was observed that the majority of respondents residing in the three fields of intervention were from Syria (64.24%), Iraq (20.65%), Afghanistan (9.94%) and even less were from Iran. The Softex centre in Thessaloniki in particular, hosted a small amount of beneficiaries from other countries, such as Algeria, Morocco, Libya and Mali.

The majority of the beneficiaries' ethnicities were of Syrian/Arab, Syrian/Kurdish, Iraqi/Arab, Iraqi/Kurdish, Iraqi/Yezidi and Afghan/Tajik origin. A small number of beneficiaries were of Afghan/Hazara, Afghan/Pashtun and Syrian/Palestinian origin.

Table 1. County of origin

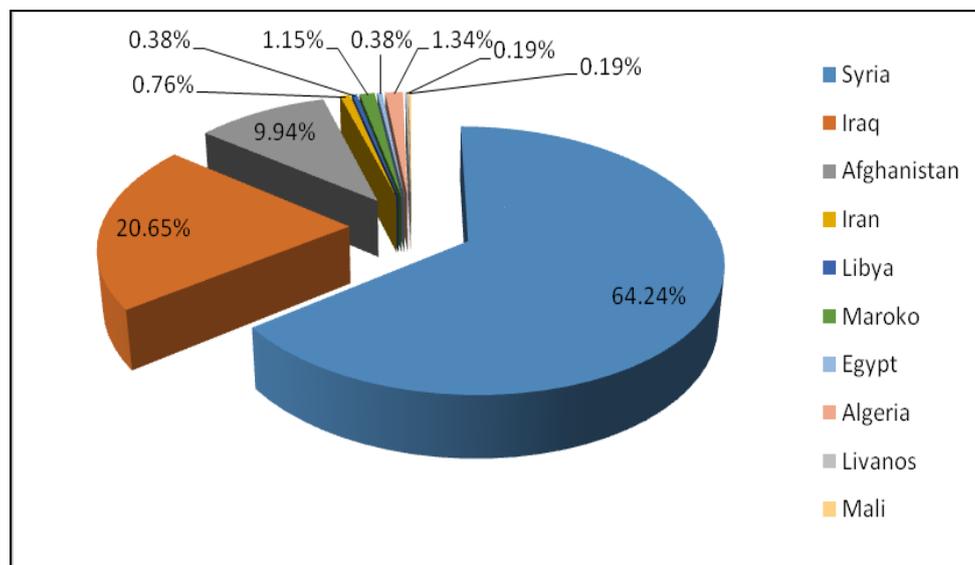
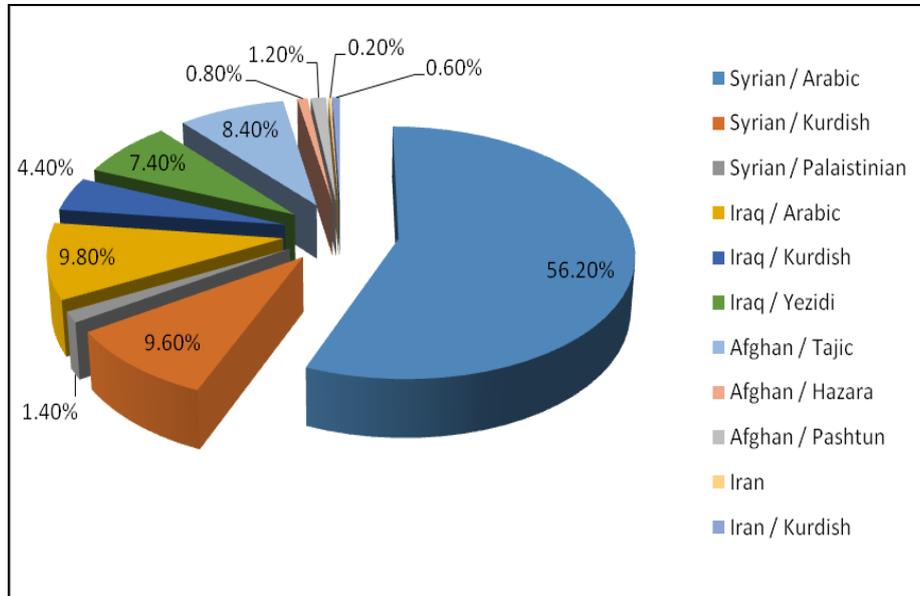


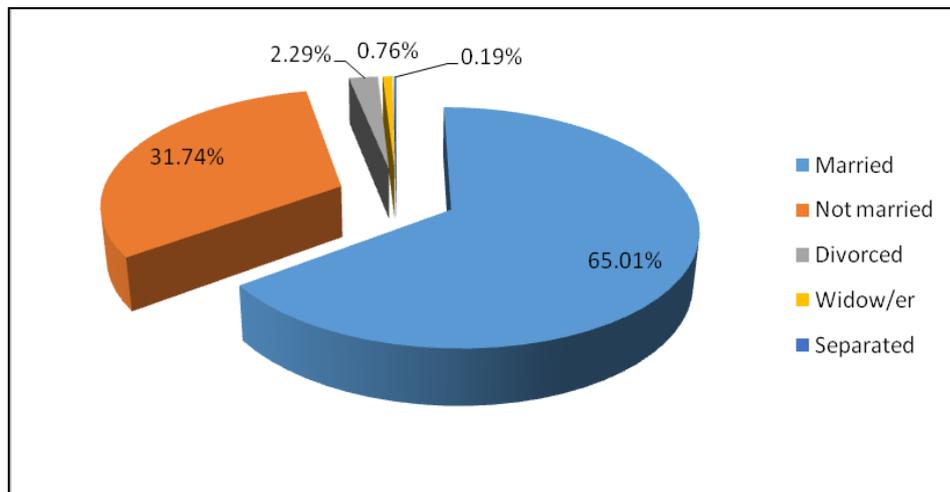
Table 2. Ethnicities



Regarding the **beneficiaries' profile**, in all three fields of intervention, it was observed that the beneficiaries seeking legal counseling were mostly **men** (65%) than **women** (35%).

Regarding the **family status** of the beneficiaries seeking legal counseling, the singles were 31.74% and 65% of married⁴. A small percentage of the beneficiaries were divorced (2.3%) or separated (1%) or widowed (1%) or bigamous (1%).

Table 3. Family status

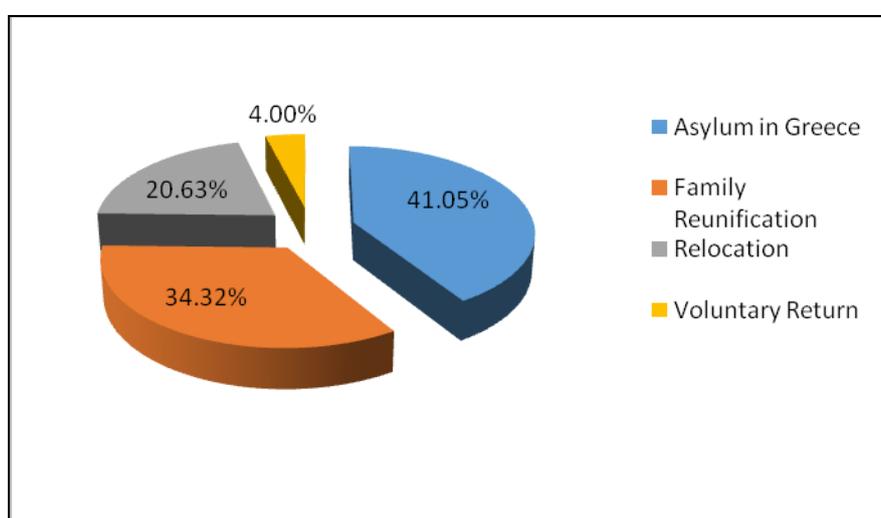


⁴ Married are regarded those - men and women- whose family - spouse and children - may reside in another European country or in the country of origin.

C. Most important legal issues

The main percentage of the beneficiaries were those whose asylum application was examined in Greece (41.05%), 34.32% were those expecting family reunification with a family member residing in another EU country, and 20.63% beneficiaries who applied for resettlement in another EU member state, while a smaller percentage were those who wished to apply for the voluntary assisted return program (4%).

Table 4. Requests of international protection



The most important legal issues considered by the field teams, as registered by the vast majority of the beneficiaries' applications in all three fields of intervention, were a) the geographical restriction, b) the family reunification process and c) the relocation to other EU Member-States. More specifically:

i) Geographical restriction

With the implementation of the EU-Turkey Statement as agreed on March 18, 2016, those who enter the country via the sea without the legal documentation, must remain at the Reception and Identification Centres (RIC) being subject to a restriction on freedom of movement, until the completion of the reception and identification process. International protection applicants can remain on-site for as long as the application process lasts and by a maximum of 25 days if the reception and identification procedures have not been completed. If, after the aforementioned period, the examination of the application is not completed, the competent Regional Asylum Office grants the applicant an international protection application while the restriction of freedom is being suspended. The applicant then is referred by the Reception and Identification Service to appropriate accommodation facilities (Law 4375/2016).

According to Article 60 L4375/2016, newcomers as expressly defined by the law as vulnerable, are excluded from the border procedure. These cases are: a) unaccompanied minors, b) any person with disability or serious medical problems, c) elderly people, d) pregnant women, e) single parent families with minors, f) victims of torture, rape or any other serious form of psychological, physical or sexual abuse and exploitation, persons suffering post-traumatic stress disorder, especially survivors or relatives of shipwreck victims and g) human trafficking victims. Those who are subject to the Dublin III Regulation, i.e. the family reunification program, are excluded.

According to this procedure, the majority of those who willingly apply for asylum, are subject to movement restrictions - by the Greek Police or the Asylum Services - in a part of the Greek territory (geographical restriction). Even after the completion of the reception and identification process, they are not allowed to travel to the Greek mainland until the asylum application of the former detainee is examined and they are prohibited from leaving the island through which they entered the Greek territory.

The restriction on freedom during the reception and identification process is explicitly provided for by law and the maximum limit and access to justice are set. Regarding the restriction on freedom of movement for persons who have expressed the will to apply for asylum and thus according to the law are considered asylum seekers (Article 34, L4375/2016). Article 41 L4375/2016 states: "*As per the Director of the Asylum Services decision, the form may mention the restriction of movement of asylum seekers in a part of the Greek territory.*" Article 22 L3907/2011 provides for the imposition of geographical restriction on third country nationals regarding the return process, in order to avoid the risk of absconding, even in cases when deportation is being postponed (Article 24, L3907/2011).

Therefore, there's no explicit legislative provision providing the imposition of such a restriction on asylum seekers, or a competent body responsible for enforcing it, as well as its maximum limitation and access to justice.

The Geneva Convention expressly provides for the freedom of movement and the right to choose the place of residence (Article 26), subject only to the necessary restrictive measures imposed by the State (Article 31). As per Article 7 of the Directive 33/2013 EU laying down standards for the reception of applicants for international protection, "*1. Applicants may move freely within the territory of the host Member State or within an area assigned to them by that Member State. The assigned area shall not affect the unalienable sphere of private life and shall allow sufficient scope for guaranteeing access to all benefits under this Directive. 2. Member States may decide on the residence of the applicant for reasons of public interest, public order or, when necessary, for the swift processing and effective monitoring of his or her application for international protection.*"

Both Article 5 of the Hellenic Constitution and Article 5 of the European Convention on Human rights, protect the right to liberty and security of person and no one shall be deprived of his liberty save in accordance with a procedure prescribed by law.

In practice, any geographical restriction is imposed in the majority of cases, irrespective of the applicant's vulnerability status, even in cases when the conditions under Dublin III are fulfilled, i.e. even if the applicant has the right to family reunification. Also, it is imperative in cases of asylum seekers whose application is considered admissible (before even considering the request) and there's no possibility of refoulement to Turkey. In accordance with the new Asylum Services directives, since May 2017, geographical restriction is imposed on all newcomers and asylum seekers until their first interview. After this interview the geographical restriction is automatically suspended for the aforementioned cases.

However, as a result of the bad living conditions, many asylum seekers ignore this policy and find irregular ways to reach the mainland, sometimes even before receive any decision regarding their asylum seeking application. The vast majority cannot leave the island through which they arrived to the country. Therefore, they remain for several months up to more than a year under precarious conditions in poorly-equipped, overcrowded spaces.

During their stay in mainland and due to the geographical restriction, any access to the asylum seeking process is denied. More specifically, if the applicant doesn't appear before the island's Regional Asylum Office during the specified dates for the application registration or for the interview regarding his asylum request, or for the card renewal, then the asylum request is closed. In order for the asylum application to be further considered, he must return to the island-point of entry and contact the competent Regional Asylum Office. Remaining in mainland means that he has no access to the asylum process and all the services and facilities provided for asylum seekers (right to stay in accommodation centres or other facilities, food, allowance, medical and psychosocial support) exposing thus himself and his family to further risk.

Regarding vulnerable cases as these are explicitly established by the law, the legislator provides for special care and treatment by the competent bodies. By imposing geographical restriction, where there are inappropriate living conditions which do not meet the basic safety requirements, there's serious risk to further aggravate a person's vulnerability. It should be noted that there have not been cases that any vulnerability has been caused after the reception and identification procedure or due to bad living conditions, in which cases the competent authorities must provide with the care and diligence as established by the law.

Moreover, there are cases that are not defined as vulnerable by the law; however, they present strong elements of vulnerability. For instance, the case of a family with six children in Chios, who used to live under extremely bad conditions and received threats from groups within the centre they resided. Out of fear, they fled the island in a hurry without notifying the police, violating the geographical restriction.

Moreover, due to financial reasons or out of fear of arrest and prosecution according to Article 182 of the Criminal Code, it is often difficult for them to return to the island. This situation is described rather bluntly through the No. 2627/2017 decision of the Court of First Instance of Thessaloniki, which acquitted asylum seekers who violated the geographical restriction, claiming that their actions were not

illegal, on the ground that the damage caused through this geographical restriction violation was significantly inferior to what was at stake, i.e. their health and safety.

Within the context of this program, there were cases where a geographical restriction was imposed to asylum applicants before May 2017 i.e. before the implementation of the new Asylum Services directives. They were mainly vulnerable applicants or families with young children, forced to violate the geographical restriction because of poor living conditions and reach the mainland using illegal networks. Also, there were cases of applicants whose application was declared admissible or Syrians whose claim was denied awaiting consideration of their appeal at second instance; those remained on the island for a few months but because of poor living conditions and lack of safety, they were forced to leave.

In cases of vulnerable asylum applicants (seriously ill individuals or addicts) who violated the geographical restriction, the field teams drafted and filed applications for suspension of any geographical restriction.

Last, the League participated in the drafting and co-signed with various other organizations a joint open letter addressed to the Ministry of Migration, the Ministry of Citizen Protection, the Asylum Services and the Reception and Identification Services, pointing out its worry over the mass and arbitrary imposition of geographical restriction to international protection applicants⁵.

ii) Family Reunification

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 established the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

In accordance with this regulation, a right to family reunification is granted to: a) unaccompanied minors and their family members (parents or official guardian), their siblings and relatives (aunts, uncles, grandparents) legally residing in other member-states, provided that this is in the best interest of the child, b) asylum seekers whose family members have been granted international protection in another state and can travel and submit an asylum application in this state in question. Family members are defined as the spouse (or unmarried partner) and minors (regardless of whether they were born before or after the marriage or adopted under state law) and c) dependent family members, ie those who may be dependent due to an illness, pregnancy, serious disability or old age. Siblings, parents and children of any age, are defined as family members. A State may request another State to examine the asylum application based on the applicant's family ties not established by other Articles, or for cultural and/or humanitarian reasons.

When a person applies for international protection, he and the members of his family over fourteen years of age will be fingerprinted during the full registration procedure. Their fingerprints are transmitted to the EURODAC central system. The

⁵ <https://goo.gl/PqDE3j> (only in Greek)

primary objective is to serve the Dublin regulation. An asylum claim in another Member-State must be filed within three months from the application date. The country handling the asylum claim must decide no later than two months from the date of receipt of the application. If the decision is positive, the applicants are informed accordingly by the Asylum Service and they can receive the decision from the competent Asylum Service Office.

The most important problems during the application of the Regulation are:

- Some Member-States, such as Germany, tend to delay to reply. As a result, this process can take more than two months.
- Very often, due to a lack of funding, the applicants have to cover their travel expenses. In many cases, this is not possible and they have to reschedule their flight for a later time, when they will be able to cover these expenses. As a result, the family reunification process can delay even more.
- Since May 2017, an informal agreement between Greece and Germany to limit the monthly transfers resulted in significant delays in completing the transfers to the country of reception, violating the Dublin III Regulation, which sets a maximum period of six months for carrying out the transfer to other Member-States, without the direct possibility to appeal against this delay. The average transfer duration is now about nine months. In such cases, applicants are granted a six-month extension.

The Hellenic League for Human Rights sent a letter to the Asylum Service Dublin Unit, expressing concern over the asylum applicants transfer delays who joined the family reunification program and whose claim was admissible from Germany, as the six-month period set by the Dublin III Regulation had passed. In the same letter, the League asked to be informed about the reasons causing such delays, the actions taken by the Asylum Service to address this problem and the future outcome of the application of those who were not transferred to the host-State after the six-month waiting period, the number of the family reunification cases in waiting at the moment in Germany and other States and the number of transfers conducted in Germany and other EU countries during the last three months. At the same time, in cases that surpassed the six-month-period limit, the field teams drafted and filed a declaration of violation of the Regulation, as well as an application for transfer in Germany⁶.

iii) Relocation

In September 2015, two European Council decisions established the emergency relocation program. According to these decisions all Member-States committed to relocate people in need of international protection from Italy and Greece⁷. Under these decisions, 98.255 persons are to be relocated⁸.

⁶ <http://www.hlhr.gr/en/open-letter-asylum-seekers-transfers-greece-germany-family-reunification/>

⁷ <https://publications.europa.eu/en/publication-detail/-/publication/144ba1b4-62e2-11e5-9317-01aa75ed71a1/language-en>

⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016D1754&from=EN>

Since the beginning of the implementation of this program, there were significant problems which concerned the willingness of certain Member-States to respond to their political commitment and legal obligations to make availability for relocation. The Czech Republic, Hungary and Poland for instance, are such countries⁹. In July 2017, the European Commission initiated infringement proceedings and sent a reasoned opinion to these States. Same applies to Slovakia and Hungary.¹⁰ According to the European Commission statistics, the rest European countries committed to offer significantly less relocation places as compared to their predefined quotas¹¹.

The pace of the implementation of the program, relating to the overall relocation process, from the selection stage to the transfer to the host country, increased significantly in 2017, with transfers reaching a mere 1.700 during the summer period. However, despite the acceleration of the procedure, a big number of beneficiaries still await. Until early November, 24.877 relocations had been completed.

Regarding the relocation program, the field teams faced the following issues:

■ **The rejection decisions are not sufficiently justified**

In accordance with the Article 5, Par. 7 of the European Council Decision, *“Member States retain the right to refuse to relocate an applicant only where there are reasonable grounds for regarding him or her as a danger to their national security or public order or where there are serious reasons for applying the exclusion provisions set out in Articles 12 and 17 of Directive 2011/95/EU”*. The majority of the decisions, claim that a reason for rejection is the beneficiary can be dangerous for the national security and public order, without further justification. This makes the whole process rather questionable.

■ **Access to the file data is not always possible**

Access to the file data, which is a fundamental right, is particularly difficult, thus creating a sense of uncertainty. For instance, in an attempt to provide assistance to rejected applicants, we were confronted with the administration’s refusal to disclose the requested documents.

■ **The right to appeal as well as access to legal remedies, are basically non-existent**

In the case of an asylum applicant eligible for the relocation program and who was accepted in Romania, his flight ticket was issued for a scheduled flight. Due to force majeure circumstances, he lost his flight. After an application to reschedule it, the Asylum Service informed him that Romania no longer accepts him and has declared

⁹ http://europa.eu/rapid/press-release_IP-17-2103_en.htm

¹⁰ In an attempt to disengage from the program, Slovakia and Hungary brought an action before the European Court of Justice, challenging the binding and legal character of the Council decision. In September 6 2017, the Court confirmed the validity of the second Council decision and dismissed the actions brought by Slovakia and Hungary

¹¹ Malta, Latvia and Norway are the exceptions as they have already covered their respective allocations for Greece, while others (Finland, Lithuania, Luxembourg) are approaching the goal. However, Member-States having the largest quota, namely Germany, France, Ireland and Sweden) are far from completing the desired allocation spots.

him absent. As advised by the Asylum Service, he signed a statement declaring that he no longer wishes to participate in the relocation program and his asylum request will be examined in Greece. In this case, he can't use any legal remedy against Romania or against the relocation rejection decision.

Finally, with regard to the selection procedure during the interviews conducted in Member-States' embassies, it should be mentioned that they are subject to opacity as there are no notes, a lawyer is not allowed during the process and often the decisions can't be justified or challenged. Also, at times, beneficiaries claimed that they were asked offensive questions that violated their right to privacy and religious beliefs.

In two asylum seeker cases whose relocation application was rejected after interviews with the Dutch and Estonian embassies, the League's field teams filed applications to the Asylum Services in order to receive the relevant documentation justifying the relocation rejection decisions, after the ruling on the inadmissibility of the asylum applications in Greece, which were then revoked, in order for the appropriate legal remedies to be used.

Legal Counseling

The field teams provide legal support for a series of legal issues: information on the progress of a claim or case, information of the full registration process, information following loss of documentation, information after missing an appointment, criminal issues, information on the family reunification program through the German Embassy, information on the family reunification process after one's been granted refugee status, change of place of registration and to a lesser extent advice on domestic violence issues, document correction, bigamy and withdrawal of an asylum application.

Also, the beneficiaries sought and received legal counseling with regard to social rights issues, such as: housing, health, education, work (e.g. VAT and Social Security number issuing, work permit) and others such as birth registration, asylum seekers' wedding ceremonies, divorce, and custody of children. Claims made by recognized refugees concerned the issuance of residence permit and travel documents.

Legal Support

Field teams provided legal support in selected cases, regarding mainly vulnerable asylum seeker applicants. More specifically, through the Vulnerable Groups Office, they dealt with the acceleration of the pre-registration procedure, they prepared applicants for the asylum interview at first instance, filed administrative priority requests (family reunification, rescheduling of the asylum interview at first instance) due to vulnerability, they appeared before the competent authorities during the full-registration procedures for minors, they assisted in document correction/issuance cases, they applied for change of full-registration place, they applied to the Dublin

Unit regarding family reunification cases within the specified period and applied for geographical restriction liftings as well as for copies of rejection decisions regarding the relocation program.

At the same time, in cooperation with the broader project team, they dealt with a series of cases of particular legal interest which were considered suitable for further intervention and could set the tone for creating better management practices and developing the existing case law:

- We filed an application with the Municipality of Chaidari Registry to issue a marriage license of an Afghan asylum seekers couple who lacked the necessary documents (birth certificates and certificates of celibacy). At the same time, a relevant memorandum was filed in case the Municipality had any question from the Ministry. The legal department of the Municipality approved it and the mayor's decision is now expected.

In accordance with Article 1 of the Presidential Decree No 391/1982, foreigners who reside in Greece can apply for a marriage license to the Mayor of their city of residence, by submitting the required official documents (extract of birth certificate, confirmation from the competent authority of no impediment to marriage). In case a Greek citizen or a recognized refugee cannot submit the aforementioned documents, then a solemn declaration to the competent body can be submitted. Unlike the recognized refugees, the asylum seeker applicants are required to produce the aforementioned documents, even though it is presumed to ruin their ties with their country of origin and so it is not possible to travel back. As a consequence, a possibility to marry in Greece is ruled out, thus violating Article 9 (1b) of the Constitution which guarantees the inviolability of family and private life which is protected under Article 21 (1), and Article 25 of the Constitution. Article 8 of the ECHR which protects the rights to one's private and family life, Article 12 of the ECHR and the Articles 7 and 9 of the Charter of Fundamental Rights of the European Union are in breach as well. According to the jurisprudence of the Greek courts accepting the issuance of marriage licenses to asylum seekers, the safety of family law and the need to protect the fundamental rights of the refugees and asylum seekers, require a more flexible approach on behalf of the State which, in this case, is qualified only to accept the applicant's solemn declaration instead of the aforementioned certificates.

- A complaint was filed with the Athens Prosecutor's Office regarding the repeated behaviour of the Athens Urban Transports Organization (OASA) drivers, who prevent refugees or asylum seekers residing in Skaramagas Accommodation Centre from using the buses.

In accordance with the Law 4449/2016, which aims to establish the general framework against discrimination on the grounds of racial and ethnic origin, religion and beliefs, disability, age and sexual orientation in the field of vocational training and employment as per the Council Directive 2000/43/EC of 27 November 2000 and the Council Directive 2000/78/EC of 27 November 2000 (Article 1 of Law 4443/2016) which ensure equal treatment, thus prohibiting any direct or indirect discrimination for any of the reasons specified in Article 1 of Law 4443/2016. Article 11 (1) of the same law defines that *"Any person who in the course of the sale of goods*

and services to the public, violates the non-discrimination law on the grounds of race, colour, ethnic origin, religion and beliefs, gender, disability or sickness, age, family or social status, sexual orientation and gender identity, is subject to imprisonment of three (3) to six (6) months and to a fine of 1,000 to 5,000 EUR. These acts are prosecuted ex officio". At the moment, prosecution is pending. At the same time, the complaint was filed with the Ombudsman followed by the relevant disciplinary proceedings, which resulted in the imposition of a reprimand for one of the drivers. In July 2017, a similar complaint to OASA was filed by an individual; the driver was fined with a one-month wage reduction penalty.

- We provided legal support to two Turkish, asylum seeker journalists and their respective minor children, persecuted in Turkey for their political beliefs, as they are expressed through their work and treated by the Turkish law and the state as terrorists. We appeared before the Regional Asylum Office of Thessaloniki for the asylum application. In accordance to the 1951 Refugee Convention, applicants claim to have a well-founded fear of persecution due to their political beliefs. They claim that any past, present or future serious harm they will suffer in the event of their return to the country of origin constitutes persecution under the 1951 Refugee Convention and is due to their political beliefs which are known to the government. According to numerous of international, European and domestic sources, the conditions in Turkey favor such a persecution. The decision of the Asylum Service of first instance (Regional Asylum Office of Thessaloniki) is expected, even though a long time has passed since the date of their interviews.
- We filed before the competent Court in Thessaloniki an application for the correction of particulars and legal gender status of a recognized refugee, under the L 4491/2017, for the purpose of correcting the name and sex contained in the Asylum Service decision and the residence permit. This is not explicitly provided by the L4491/2017 for the recognized refugees or the asylum seeker applicants nor for those who don't have a Greek birth certificate. While handling this case, we filed an additional request to obtain a copy of the refugee status decision of the beneficiary, which had a positive outcome and constituted a change in the administrative practice, as only the operative part of the process was communicated so far.
- Finally, following a complaint on the push back of Turkish asylum seekers in Evros, the Hellenic League for Human Rights addressed a request to the UNHCR to investigate the incident and filed a report to the Prosecutor's Office of the Supreme Court.

The Hellenic League for Human Rights will continue to work on these cases even after the end of the program.

D. Conclusions - Position statements of the League

The movement of refugees and migrants towards Europe was openly dealt in terms of security; not in terms of people but in terms of borders. The result was that otherwise “non-negotiable” human rights, as regards refugees and migrants, were nothing but a piece of paper on the table of European and international policy. One year later, this assertion is once more proven to be correct, despite the fact that there have been significant shifts at legal and political level. The EU-Turkey joint statement contributed to the further fragmentation of European law and policies, with the EU’s key common denominator being its inability to even do the basics, using a logic of creating “barricades”. A new parameter was added to the fences and the militarization of border surveillance, namely the pretext of declaring Turkey to be a “safe country”, which in turn permits the return of persons to Turkey, and which, importantly, cemented the political argument that thanks to the “EU-Turkey deal” refugee influx into Europe was stopped. This “dual-zone” refugee status, namely the difference between those in mainland Greece and those on the islands, the precarious living conditions in sites accommodating thousands of people, and the asymmetries of the resettlement program towards EU countries, all create a dystopic landscape which defines the contemporary refugee situation. These are the conclusions and the League’s statement, based on the material provided during the program by the League’s legal advisers:

- The joint EU - Turkey statement subjects rights to an international-political interests framework which ultimately affect the EU democratic structure itself. The return of any asylum seeker who entered the Greek territory after the 20th of March 2016, violate any sense of legality as the fundamental guarantees of human rights protection in Turkey are non-existent, especially after the imposition of a state of emergency in the country and the failed coup in July 2016.

Moreover, the fragmentation of rights in two zones, mainland Greece and the islands, severely affects the universal nature of the refugee protection law. Regarding human rights, there can be no segregation, ie mainland and islands. Restrictions in the freedom of movement from the islands, present legal problems and ultimately create illegal trafficking phenomena in Greece that never existed before. At the same time, this forces asylum seekers to live in extremely bad conditions that can offend any kind of human dignity, lacking the provision of decent housing, food and safety.

- Despite any effort to gradually place asylum seekers in urban accommodation areas, there is a significant deficit in reception management on a financial, political and operational level. The camps should close. As long as they’re still in use, it should be ensured that - and this applies to any other reception and accommodation facility - they are subject to common operational rules and that the administrative staff should be chosen according to certain statutory rules, which isn’t the case at all, still, while the self-evident principle of transparency and accountability in financial management of the whole project should be respected without any exception.

- The consistent and reliable recording regarding the data of vulnerability of migrants (minors, pregnant women, torture victims, ill, elderly etc.) is a necessity for reasons of personal security and social protection. It is vital to identify any vulnerable group using a set of uniform and objective criteria and so is their inclusion in specific care services and structures, which should be further developed through funding and skilled staff. Moreover, it is necessary to formulate and implement common European right protection policies, especially when it comes to vulnerable groups. Also, it is important to ensure that the quality of the services provided within the vulnerable persons' facilities, is common for everyone - regardless of the managing organization - and corresponds to any objective need.
- The agreement between Germany and Greece on the application of asylum seekers on family reunification grounds, setting quantitative criteria (maximum number of people per month), clearly violates the relevant International and European legislation, which illustrates the family unity principle and the best interest of children (Article 8 of the European Convention of Human Rights - which protects the right to family life -, Article 10 of the Convention on the Rights of the Child and Article 7 of the Charter of Fundamental Rights of the European Union).
- Regarding the relocation program, only asylum seekers coming from countries whose asylum applications have a pan-European average recognition rate of at least 75%, are eligible. However, since this is revised every three months, eligible nationalities may change. This condition excludes from relocation, in principle, a significant number of people and may exclude an ethnicity along the way, such as the Afghan nationals who don't meet the necessary 75%. This happened with Iraqi nationals as well, who had been excluded from the procedure in July 2016. This 75% recognition rate may create a sense of security with regard to the process. But, at the same time, it creates and promotes a system of exclusion and discrimination, where people with the same characteristics and the same needs are subject to different legal treatment. The date of entry into force of the joint statement of the 20th of March 2017, was used as the expiry date of participation in the relocation program, thus excluding thousands of applicants, without any legal basis. On the context of the EU decision to deal with the objective of the decent settlement and living conditions for thousands of refugees who arrived in Europe, the relocation program should continue and develop further and to be protected under a solid legislative framework, so that all European countries to participate with an honest and expanded availability.