Container at Schisto reception facility. *Credits: Pantelia/CARE*

TRANSITIONING TO A GOVERNMENT-RUN REFUGEE AND MIGRANT RESPONSE IN GREECE

A joint NGO roadmap for more fair and humane policies

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INTRODUCTION

Two years on from the peak of the "refugee crisis" in Greece, the Greek state is beginning to take over management and financing of aspects of the reception and integration system, and many international nongovernmental organisations (NGOs) that came to assist with the -then- humanitarian emergency are downsizing or preparing to exit the country entirely. At this turning point, the 14 undersigned NGOs believe it is critical to reflect on our field experiences, build on the progress collectively made, and provide recommendations for a smooth transition and a sustainable Greek Government-managed refugee and migrant reception and integration system.

Certainly, there has been progress. The European Union (EU) implemented humanitarian funding within the EU for the first time, finding political agreement at the Heads of State level to make this possible. Also, the European Asylum Support Office (EASO), despite shortcomings, was deployed to assist an EU country operationally for the first time. There are also positive examples, especially coming from local governments that should be a basis for replication and learning for the future. Unfortunately, these have not been part of a holistic approach or long-term strategic plan.

The transition to a government-run response is a positive step if implemented transparently, promptly, and in close collaboration with local governments, as well as the organisations currently providing services, soon to fall under the responsibility of the Greek government. It is under this current state of affairs, and with the goal of preventing regression, that we write this report.

The humanitarian response in Greece has been one of the best-resourced in history. However, as analysed in this report, a combination of some short-sighted EU migration policies and lack of political will on the part of EU member states, institutions and the Greek government to properly coordinate a rights-based response, have directly resulted in insufficient progress to date. Lack of coordination of the multiple actors on the ground, including NGOs, as well as the difficulty of the Greek state to successfully access and utilise funding streams made available to it, have further inhibited progress. For example, the management body for EU asylum and migration funds EU was only established within the Ministry of Finance in April 2016, despite the funding period covering 2014-2020[1].

With all this in mind, the Greek state's initial, understandable lack of preparedness for 2015's unprecedented migration flows is no longer a reasonable justification for the gaps in asylum and reception procedures and services we witness today in Greece, an EU member state.

The report provides an overview of the current situation in Greece, our vision for an improved government-run reception and integration system going forward, and recommendations for effectively addressing persistent gaps in access to asylum and critical services, as well as opportunities for integration: our proposed way forward.

For real progress to be made, a few concrete actions must be taken by the Greek Government, EU member states, the European Commission (Commission), the UN Refugee Agency (UNHCR) and NGOs to ensure a collective EU migration management system based, first and foremost, on respect for human rights and international law. Critically:

[1] Managing Migration, EU financial support to Greece, October 2017

The Greek Government should:

- Create a mechanism that is triggered when a site on the islands reaches capacity, to transfer people to appropriate accommodation on the mainland, helping to alleviate a wide range of serious issues that persist in the hotspots and throughout the overburdened islands;
- Access the hundreds of millions of Euros made available by EU institutions for the reception and integration system, and direct them towards: (a) building the capacity, expertise and number of civil servants engaged in the reception and asylum system; (b) Greek NGOs that already have the capacity, expertise and staff to support a rights-based and protection-centred reception, asylum and integration system; and (c) programmes that build tolerance and integration, specifically investing in initiatives that will benefit Greek communities as well as refugees and migrants. This requires support from the Commission's Structural Reform Support Service (SRSS) and DG Home and develop a plan in consultation with UNHCR and NGOs, based on ongoing assessments of gaps and needs;
- Develop a long-term strategic plan for managing migration into Greece in consultation with UNHCR, humanitarian and civil society organisations (CSOs) and local authorities, in order to strengthen coordination among all relevant actors. This requires recognition and acceptance that people in search of safety will continue to arrive spontaneously and that Greece, and other EU member states, have a legal and moral responsibility to consider the claims of anyone seeking international protection, and protect their basic rights in all reception, asylum and returns processes; and
- Publicly and persistently counter pressure from EU member states, or the Commission, to reduce standards and minimise guarantees in its reception and asylum legislation. Greece can be a leader on migration issues, especially given the solidarity shown by ordinary Greek people to refugees and migrants across the country.

The Commission and EU member states should:

- Provide and monitor the provision of humanitarian assistance in accordance with humanitarian principles. This extends to:
    - Ensuring EU monitoring and activities in Greece do not amount to a reduction in the country's existing standards or minimise safeguards and guarantees in its reception and asylum systems;
    - Urgently supporting Greece to prevent critical overcrowding on the islands. A mechanism must be immediately put in place, which is triggered once a site's capacity is reached and moves people to appropriate accommodation on the mainland. This action will save lives, particularly during the harsh winter conditions;
- EU member states should contribute their fair share to protecting refugees and asylum seekers and managing migration humanely: An equitable and predictable responsibility sharing mechanism must be established within the EU to reunite families and relocate vulnerable asylum seekers out of first arrival EU countries, such as Greece, and into other EU member states as soon as possible; and
- Expand safe and regular routes into Europe as an alternative to dangerous sea journeys onto the Greek islands. Humanely and efficiently responding to spontaneous arrivals must be at the centre of any asylum system - but, it is not the only approach to extending protection to those who need it.

Real Responsibility Sharing

Expanding safe and regular routes into Europe is critical to any well-managed migration system that truly seeks to prevent deaths at sea, dependence on smugglers, and the increasing chances of highly vulnerable people falling prey to human traffickers. This includes, among other things, increasing resettlement and expanding family reunification schemes into Europe from third countries, as well as humanitarian, work and student visas.

It also requires a much more robust responsibility sharing mechanism within the EU so as to ensure the quickest possible relocation of asylum seekers, including people seeking to reunite with family elsewhere in the EU, out of Greece and Italy.

UNHCR should:

- Communicate publicly its plan in Greece for achieving its mandate to protect refugees and seek durable solutions for them. This requires recognition by UNHCR that it has a significant role to play in, and is receiving significant funding for, coordinating the response in mainland Greece, but also on the Greek islands, where the current containment policy continues and accommodation sites are not appropriately winterised. We are calling on UNHCR to be more vocal, and take a stand against policies and practices being implemented in Greece that reduce standards and minimize safeguards in the reception, asylum, and returns procedures as a result of the EU-Turkey Statement; and
- Improve coordination, in order to avoid duplication of work and make sure that all efforts are targeting the most urgent needs first.

NGOs and the Greek Government should:

- Work together to design programmes that benefit both Greek and refugee communities, and ensure improved communication with the Greek community about how funds are used and how they may benefit local development, so as to build tolerance and make the best holistic use of large amounts of EU funding. This may provide incentives for the Greek Government to more quickly and transparently access, distribute and report out on the use of EU funding and will improve prospects for integration.

Acknowledging the different contexts on the Greek islands and mainland, where the conditions still require improvement but are undoubtedly much better than on the islands, this report is broken into two parts, and provides an overview and recommendations for addressing the following critical issues:

1. Access to international protection, reception conditions and services on the islands; and
2. Access to international protection, social rights and a pathway to integration on the mainland.

THE SITUATION ON THE GREEK ISLANDS

A. Access to international protection

Due Process: New trends that limit effective access to a fair asylum process.
In April 2016, the Greek Parliament adopted Law No. 4375/2016[2], which introduced broad changes to the national reception and asylum application process. This Law, adopted in part to implement the EU-Turkey Statement[3], also meant that applicants for international protection who arrived to the Greek islands on or after 20 March 2016 would follow a different administrative procedure than those who arrived before.[4] Since then, many changes have been introduced, sometimes with little notice, making it difficult to promptly communicate up-to-date information to asylum seekers, which is especially critical when related to matters of international protection.[5] Below is an outline of the main concerns based on the current policies and practices being implemented on the islands.

A containment policy that creates blockages and rights violations. Arrivals since the EU-Turkey Statement, which came into effect on 20 March 2016, are placed under a *"geographical restriction",* meaning they are unable to leave the Greek islands before their case is processed. Although there is no known formal policy on the geographic restriction, the Greek Government and EU member states alike say that it is implicit in the Statement[6]. In practice, this means that only people who receive a positive first or second instance decision will ultimately be able to move to the mainland, while the rest will be returned to Turkey. In this context, the large majority find themselves confined to one of the five islands where hotspots[7] are located (namely Lesvos, Chios, Samos, Leros and Kos), for periods ranging from months to –very often- more than a year, in overcrowded facilities. Their mental and physical health[8] is deteriorating due to uncertainty about the future, as well as lack of access to basic services (e.g., medical care and sanitation facilities) as they go through their long, complex admissibility or asylum procedures.

Asylum seekers' rights are under threat during processing: The comprehensive legislative framework in place sets out applicants' rights and other procedural safeguards. Yet, practical barriers and the continued introduction and changing of policies do not guarantee the respect of the applicants' rights. In an effort to increase returns from the islands to Turkey, we have seen that policies and procedures change regularly, at times with little notice, and differ across islands. This makes navigating the asylum process incredibly difficult, and has contributed to the confusion, anxiety and well-documented deterioration of mental health[9] and well-being for the many who have already been enduring difficult living conditions, exposed to significant risks on the islands for months or more.[10] One such policy is the *"pilot project"* (now often referred to as the *"low profile project"*), whereby individuals of initially 6,

[2] Law No. 4375 of 2016 on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC.

[3] EU Turkey Statement, 18 March 2016

[4] 'More Than Six Months Stranded-What Now?' A Joint NGO Policy Brief on the Situation for Displaced Persons in Greece, October 2016

[5] IRC, NRC, Oxfam, 'The reality of the EU - TURKEY statement: How Greece has become a testing ground for policies that erode protection for refugees', March 2017

[6] Refugees International 'Like a Prison', August 2017

[7] The "HotSpot approach to managing exceptional migratory flows" was advertised in 2015 as a temporary deployment of EU personnel to reinforce processing of arrivals in member states "facing an extraordinary migratory pressure" and to work in tandem with the EU relocation scheme. The Hotspot approach functions through deployment of Frontex (EU Border Agency), EASO (European Asylum Support Office), Europol (EU Police Cooperation Agency) and Eurojust (EU Judicial Cooperation Agency) staff to carry out a variety of functions including identification and finger-printing; initial screening to identify people who want to claim asylum and people not in need of international protection (for return); collecting information on smuggling/trafficking networks; supporting the asylum claims process; coordinating return activities; and contributing interpretation services.

[8] MSF, Confronting the mental health emergency on Samos and Lesvos - Why the containment of asylum seekers on the Greek islands must end, October 2017; UNICEF, Rapid Assessment of Mental Health, Psycho-social Needs and Services for Unaccompanied Children in Greece, October 2017

[9] Idem

[10] MdM Greece, Report on the Situation in the Reception & Identification Centre of Moria Lesvos, January 2017; Save the Children, A tide of Self harm and depression: The EU-Turkey Deal's devastating impact on child refugees and migrants, March 2017

now 28, 'low asylum recognition' nationalities are detained upon arrival in the detention section in Moria hotspot on Lesvos, while they undergo an accelerated asylum procedure. This policy has progressively led to increased use of automatic administrative detention of all newly arrived single male asylum seekers, often irrespective of nationality and without due process, which is against the procedural safeguards of Reception Conditions, Asylum Procedures, and Returns Directives[11] , as well as the principle of proportionality[12]. The issue has been brought to the fore in the successful legal challenge of the detention of three Syrians in late October 2017.[13]

Vulnerable people remain on islands unnecessarily: The concept of vulnerability is central[14] to the asylum procedure on the islands, as people with vulnerabilities are exempt from the border procedure. This means that such people do not pass through the admissibility stage, and only have the substance of their asylum applications examined. Until May 2017, this exemption also meant the geographical restriction would be lifted for vulnerable individuals allowing them to complete their asylum procedure on the mainland, where services are available to meet their needs. Since a policy change that was announced in May 2017, however, officially recognised vulnerable individuals must now remain on the islands to complete their asylum interview before having the geographical restriction lifted and being able to move to the mainland—a process that can take months.

Further complicating matters, it is especially challenging to assess vulnerabilities when arrival numbers are high or when there is a critical shortage of medical actors and other staff, including interpreters, translators, cultural mediators and lawyers providing legal assistance and advocacy to correct procedural mistakes, as is the current situation on the islands.[15] For example, between June 2017 and October 2017, a significant number of applicants in Lesvos went through their asylum registration procedure without having had an initial medical screening and, by extension, without having had their initial vulnerability assessment. At best, this created significant delays for applicants as it meant that their interviews would be rescheduled. At worst, it resulted in applicants who were vulnerable having their asylum interview without having had a vulnerability assessment. Whilst this latter category of cases are likely less common, many people cannot access legal assistance and therefore NGOs do not have a full picture of whether this sort of problem may have been more widespread. There now seem to be more robust procedures in place to ensure that applicants have their initial medical screening and vulnerability assessment before asylum registration. These assessments should be conducted upon arrival, and definitely before the asylum interview, in order not to deprive people of their rights under international and European human rights law.

Exemption for Dublin cases under threat: According to Law 4375/2016, Article 60(4), people eligible to reunite with immediate family elsewhere in the EU, so-called Dublin cases, are also exempt from accelerated procedures and cannot be returned to Turkey. However, in December 2016, the Commission released a Joint Action Plan (JAP) for the effective implementation of the EU-Turkey Statement[16], suggesting a number of measures meant to increase returns. One such suggestion was exploring the potential of including vulnerable and Dublin cases in accelerated border procedures to potentially also return them to Turkey. The Greek Asylum Service (GAS) was asked to draft the legislative amendment necessary to make this procedural change. Greek and international NGOs urged the Greek Parliament not to vote for such amendments and have written to the Head of the GAS for clarifications on

[11] The Reception Conditions, Asylum Procedures, and Returns Directives set minimum standards for the reception of asylum seekers including housing and health care, for example, and also seeks to limit and regulate detention of asylum seekers, for example, as the right to freedom from arbitrary detention is a fundamental right.

[12] Proportionality is a legal principle that provides for balancing between competing values and regulates the exercise of powers by the EU. It enables judges to decide whether a measure has gone beyond what is required to attain a legitimate goal and whether the measures claimed benefits exceed the costs.

[13] HIAS Greece wins release of three detained Syrians in Lesvos, 01 November 2017

[14] AIDA – ECRE, The concept of vulnerability in European asylum procedures, September 2017

[15] MSF, A dramatic deterioration for asylum seekers on Lesbos, July 2017; HRW, EU/Greece: Asylum Seekers' Silent Mental Health Crisis - Identify Those Most at Risk; Ensure Fair Hearings, July 2017.

[16] Joint action plan on the implementation of the EU - Turkey Statement.

their position.[17] According to the Commission's latest report on JAP implementation, the submission of this amendment to the Greek Parliament is pending.[18]

Insufficient legal aid to ensure respect of procedural safeguards and rights: The number of lawyers and legal aid organisations operating on the islands remains insufficient to address the needs of asylum seekers[19]. The fluidity of the operational context (constant changes and new arrivals) further undermines both effective representation and the provision of linguistically appropriate information by lawyers with the support of interpreters or cultural mediators.[20] By law, legal assistance is only mandatory at the second instance; however, it is clear from the frequently changing policies and procedures, and the insufficient information available to applicants going into their first interview (e.g., that they will go through admissibility vs. being able to present the case for why they need international protection), that culturally and linguistically appropriate legal support at first instance is also crucial. Legal counselling at second instance is often too late. People under detention have even more difficulty accessing information about their rights and legal assistance.

Insufficiently trained European Asylum Support Office (EASO) staff conducting asylum procedures: EASO is the EU agency that conducts asylum interviews on the Greek islands and recommends a decision to the GAS, an autonomous institution in charge of the examination of international protection claims in Greece. The role of EASO has also been questioned, even at the highest courts of Greece[21], especially when it comes to describing the actual role of its representatives in the asylum process and how vulnerability assessments are practically conducted. EASO experts come from many different countries with different asylum systems and different levels of experience. As a result, NGOs have documented concerns about the unconvincing quality of some EASO-led interviews (e.g. lack of knowledge about countries of origin, lack of cultural sensitivity, closed and suggestive questions, repetitive questions like interrogation, unnecessarily exhaustive interviews).

The way forward for fair and efficient reception and asylum procedures:

- **EU members states** should respect the safeguards of Greek legislation guaranteeing the protection of people with vulnerabilities and the maintenance of family unity;
- The **Greek Government** should commit, alongside the **Commission**, to promote respect for article 8 of the Reception Conditions Directive and article 15 of the Returns Directive as well as Asylum Procedures Directive on the use of detention as a last resort, in limited cases, on an individual basis, and never for children. Detention is never in the best interest of the child.
- The **Greek Government**, with the support of the **Commission**, should expand the training for and guarantee the preparedness of EASO and GAS experts and interpreters to assess the protection concerns of asylum seekers, ensure interpreters have the right language pair and dialect to communicate effectively with asylum seekers, and make every effort to provide female interpreters for women.
- In order to fulfil due process, the **Greek Government**, with financial support from **donors** if necessary, should ensure free legal aid is readily available at all stages of the asylum process, by accelerating the training and contracting of lawyers to provide services, as well as training and contracting of interpreters for languages known to be spoken and understood.
- The **Greek Government** should guarantee vulnerability assessments are conducted by trained staff at registration or at least before the first instance interview, in order to ensure people have access to the specialised services they need, and that their case will follow the correct legal pathway.

[17] 15 NGOs Decry New Policy Limiting Asylum Seekers in Exercising their Right to Appeal, May 2017

[18] Progress report on the European Agenda for Migration, Joint Action Plan on the implementation of the EU-Turkey Statement, 15 November 2017

[19] ECRE/ ELENA Legal Note on Access to Legal Aid in Europe, November 2017

[20] Translators Without Borders and Save the Children, Language & Comprehension barriers in Greece's Migration Crisis - A Study on the Multitude of Languages and Comprehension of Material Provided to Refugees and Migrants in Greece and Bridging the Gap – A study on the impact of language barriers on Refugee and Migrant Children in Greece, June 2017

[21] Council of the State Judgements No 2347 and 2348/2017, para 31

- The **Greek Government**, with support from **UNHCR** and **NGOs**, should invest in the provision of legal information about the asylum process, including when and how to ask for asylum, the estimated timeline for decisions on admissibility, appeals of admissibility decisions, or the ability to lodge formal asylum applications, in all relevant languages and formats, and at appropriate levels of technical complexity.
- **Donors** should support legal aid organisations to provide the critical first instance legal services that people need to navigate the process.

B. Reception Conditions

Reception conditions adversely affecting the most vulnerable: While most NGOs and international organisations are gradually phasing out, the Greek government is slowly taking over total responsibility for management of the response on the islands. In the absence of a transition plan or any coordination with the organisations who have provided services to date, NGOs have no actor to hand over their work to and we are now facing one of the most alarming situations on the islands since 2015, at the start of the humanitarian emergency. As the response enters its third winter, the situation appears to be back to square one in terms of all the improvements that had been belatedly put in place last year. Four of the five islands are hosting populations beyond capacity as a result of the containment policy mentioned above. According to official numbers, 12,531 people are currently being accommodated in the hotspots, which have the capacity for just 5,576, and 2,631 are being hosted in other sites (e.g., Kara Tepe in Lesvos), apartments or hotels[22].

In September 2017, there were 4,859 sea arrivals recorded—the highest monthly figure since the EU-Turkey Statement came into effect. This, and the approximate 53,000 other people that reached the Greek islands since 20 March 2016, are emblematic of the reality facing Greece: the EU-Turkey Statement, while violating people's basic rights, does not stop those determined to seek sanctuary in Europe from entering Greece. As such, the hotspot in Samos, which is designed to host 700 people, has exceeded its capacity three times over and hosts 2,063[23] people. As a result, there are currently people sleeping in tents pitched in the forest area around the facility, there is insufficient access to toilets, a shortage of clean drinking water, poor hygiene and safety conditions, with a very high-risk for fire and contagious diseases spread in and outside the site, and the presence of rats and insects inside tents and containers.[24] Hotspots in Lesvos and Chios are also characterised by similarly dangerous conditions, with thousands in tents[25], with already vulnerable people exposed to conditions and risks that are harmful to their physical integrity and well-being, including sexual and gender based violence (SGBV).

According to estimates, as of 20 July 2017, nearly 8,500[26] officially recognised vulnerable people were waiting on the islands for their transfer to the mainland. Alternative accommodation and shelter capacity on the islands is extremely limited. For months, the government has taken steps to gradually transfer those who were eligible and wished to be transferred from facilities on the islands to the mainland; however, delays in this process have meant that the authorities are unable to transfer people before the island facilities surpass capacity. Furthermore, the lack of comprehensive information provided to people about transfer procedures and what conditions will be like on the mainland, including exactly where they will be transferred to, what services will be available and what their proximity to hospitals and asylum services will be, complicate this process. As the third winter of the response approaches, immediate action must be taken to ensure all arrivals are provided with safe accommodation that protects them from the extreme weather, even if this means increasing transfers off the islands.

[22] Situation on the Greek islands, 4 December 2017, Ministry of digital communications and information.
[23] Idem
[24] Save the Children, Children living in abysmal conditions as number of refugees arriving on Greek islands spikes, 22 September 2017; Joint Letter to Prime Minister Tsipras re Deteriorating Conditions for Asylum Seekers Trapped on the Aegean islands, October 2017
[25] UNHCR Greece Aegean Islands factsheet, October 2017
[26] Minutes of the Session of the Special Permanent Committee of Equality, Youth and Human Rights of the 27th of July 2017 focusing on the rights of refugees and asylum seekers.

Children are at the greatest risk: UASC, the children that arrive to the islands alone, suffer the most from systemic deficiencies in the response. The lack of a comprehensive framework for appointing a guardian to fully protect their rights and ensure effective access to services remains of major concern. Under the current framework, one public prosecutor may be the appointed guardian for hundreds of UASC, leaving them in practice unprotected. Additionally, not only do mistakes in the registration process lead to unnecessary age assessments that cause considerable stress for the children, but they also add additional layers of complexity to an already overstretched process. The not uncommon result is that UASC are erroneously identified as adults[27], thus forcing them to live within the general population, amongst unrelated adults and without child protection services, instead of being placed in safe accommodation for UASC[28]. Furthermore, as a result of the transition to government management of the response, as of 1 August 2017, the government took over financing of the existing shelters for these children, which are always at full capacity and already far fewer in number than needed to provide for the at least 100 new UASC arriving each month and the more than 2,100 already on the waiting list for safe shelter[29]. However, at the time of writing, at least four of these shelters were still without the needed funding, and may close without immediate state action, forcing even more children into police cells, unsafe hotspots or onto the streets.

The Experience of Women: The impact of the containment policy, other restrictions on freedom of movement, unhygienic and unsafe living conditions, and lack of meaningful access to critical services are also extremely harmful to the safety and overall wellbeing of women. Moria for example, is designed to accommodate 2,300 people but currently holds roughly 6,330[30]. The overcrowding means that single women and female heads of households and their daughters are often placed in tents with unknown men.[31] Other shortcomings in infrastructure and overall management of the site also lead to a feeling of fear and to SGBV. For example, as a result of a lack of sufficient lighting and adequate safety and security at night in Moria, adult women ask NGOs for diapers so that they and their daughters do not have to walk alone to the toilets at night out of fear of being assaulted[32]. The number of reported SGBV cases significantly increased in September and October 2017, compared to previous months, with incidents reported to have happened during the journey to Greece as well as after arrival[33]. There is only one women's safe space inside Moria and women and girls must have special documentation to access it. There is also a lack of special and catered services specifically geared toward empowering and improving the safety of women, including sufficient SGBV case management and female personnel involved in all stages of the reception and asylum procedures, including conducting vulnerability assessments.

The way forward for dignified reception conditions:

- The **Greek Government** must step up efforts to take people out of overcrowded facilities on the islands and winterise the sites with no further delays. These efforts must be effectively communicated to asylum seekers;
- The **Greek Government** must strengthen the protection of UASC by improving relevant legislation and policies around appropriate foster care and guardianship, including significantly reforming and reinforcing the guardianship system and investing in sustainable forms of alternative care (e.g., supervised semi-independent living), as well as urgently funding existing safe shelters and working to increase the number of safe shelter spaces; and
- The **Greek Government** must establish common safety audits in sites to ensure residents have access to safe facilities, with all necessary protection measures taken to reduce and mitigate risks.

[27] HRW, Greece: Lone Migrant Children Left Unprotected, July 2017
[28] MdM GR Submission before the UN Human Rights Committee on the follow-up to the concluding observations on the second periodic report of Greece (CCPR/C/GRC/2).
[29] Situation Update: Unaccompanied children in Greece, 15 November 2017
[30] Situation on the Greek islands on 5 November 2017, Ministry of Digital Communication Policy and Information
[31] As reported by Oxfam protection focal point (based on observation and communication with asylum seeker)
[32] Idem
[33] UNHCR Protection Working Group in Lesvos, week of 18 October 2017

C. Access to Services

The overarching impact of insufficient access to medical services: Even in the first few months of the transition to Greek government management of the response, significant gaps in medical services emerged, as the Ministry of Health has been unable to recruit sufficient specialised staff for the islands. This not only adversely impacts people's health, as many do not receive an initial medical screening; but also, as outlined above, it delays asylum procedures that require the prior submission of documents provided by doctors/hospitals. Deficiencies and backlogs in vulnerability assessments as a result of this gap are depriving many vulnerable people of access to the services and information vital to their health and well-being, especially those with less obvious vulnerabilities (e.g., torture or SGBV survivors).

People in need of medical care or potentially suffering from communicable diseases are going undetected and are placed in overcrowded facilities without the care they need. Overall, mental health is deteriorating[34] as a direct result of people spending months enduring substandard or worse conditions in the hotspots, with complete uncertainty about their future.

Medical actors present on the islands report increasing suicide attempts[35], self-harm, depression and anxiety, and an uptick in people reporting signs of serious mental health issues. There is a particular need for psychiatrists, but there is very limited access to psychiatric services as a result of the insufficient number of psychiatrists available.

Denial of education: Meanwhile, now in the second full school year of the response, children on the islands still largely do not have access to the public school system, depriving them of their right to education. A major practical barrier to access is the lack of a permanent residence address for those in the hotspots.[36] Despite the Ministry of Education's announcements about preparatory classes on the islands, the lack of progress so far indicates that children will remain out of formal education for another school year.

Taking the uncertain step to the mainland: The "decongestion" procedure in place to transfer people from the islands to the mainland is extremely complex and often inefficient. Coordination and information exchange between the actors involved (to date, the Ministry of Migration Policy –MoMP—-and UNHCR) is not effective, sometimes resulting in people being moved to sites where their urgent needs cannot be met—e.g., very vulnerable cases in need of daily medical care or hospitalisation transferred to remote mainland sites far away from hospitals or other appropriate facilities. Last but not least, the persistent lack of access to information in any language about the transfer process and the specifics of each individual's transfer deny people the opportunity to make informed choices, and lead some to move to the mainland on their own, exposing themselves to further risks.

The way forward for guaranteeing asylum seekers' access to services and ensuring a dignified living:

- The **Greek Government** must adequately staff all long-term sites in Greece, including the hotspots; and
- The **Greek Government** should develop specific guidelines, communication and coordination among all engaged actors, to ensure people are transferred from the islands to mainland sites that match their prevailing needs.

[34] MSF, A dramatic deterioration for asylum seekers on Lesbos, July 2017

[35] Idem

[36] HRW, Greece: No School for Many Asylum-Seeking Kids - Urgently Implement Plans for Children on Greek Islands, September 2017.

THE SITUATION ON THE GREEK MAINLAND

Out of the less than 35,000 asylum seekers and recognised refugees on the Greek mainland according to UNHCR[37], roughly 6,000 are expected to ultimately move elsewhere in the EU via relocation or family reunification. Meaningful access to social and legal rights is therefore critical to guaranteeing their social inclusion and integration.

A. Access to international protection

Technical problems and an existing backlog that delays progress. Access to asylum procedures on the mainland remains a challenge. Those who have not registered with GAS at the borders have to do so via Skype, and many asylum seekers continue to face technical difficulties, which further restrict already limited access, in particular for those with disabilities or speaking minority languages[38]. Even after successful registration, people's lack of access to legal counselling and representation at first instance can lead to the issuance of negative first instance decisions, which do not address their real protection needs. These are then challenged at second instance, the appeals stage, which may, however, be too late, as applicants' appeals are primarily examined by reviewing the transcript of the first interview. To note, the Appeals Committees' workload is overwhelmed due to a significant backlog of cases to adjudicate.[39]

Access to asylum procedures is also affected by the sheer geographic location of the asylum offices. For many people living in remote parts of Greece, for example in the Northwest region of Epirus along the border with Albania, the current process for accessing the GAS offices entails long overnight trips to Athens or Thessaloniki. Journeys to Athens pass through other sites in the region as well as other cities, for example via Thessaloniki, and the same on the way back. This means that individuals and families leave around midnight and it takes anywhere from 6 to 12 hours each way to reach their destination, requiring them to spend two nights with limited rest.

The dangers of people regularly travelling throughout the night, when drivers are exhausted, recently created the conditions for two road traffic accidents in which one person was seriously injured[40]. This is all the more concerning because the asylum interview is the most crucial step in the process whereby people undergo a credibility assessment. Applicants must have a clear state of mind to remember dates and detail specific incidents, providing exhaustive information about their situation in their country of origin, information on how, where, and when they reached Greece, and give supporting evidence when possible-both a taxing, and for many, traumatic process.

For those wishing to reunify with family elsewhere in Europe, delays are commonplace within the Dublin procedures in Greece and the Dublin Unit often fails to provide timely information to applicants going through the process. At the same time, policies introduced by other EU member states make the process more complex. For example, many applicants have applied for family reunification in Germany. Earlier this year, Germany announced that they would cap monthly Dublin transfers from Greece to 70 per month, so even those who already had their application approved and were ready to be reunited, would now need to remain in Greece for a number of months, due to this policy.[41] Although this cap was challenged in German courts and deemed illegal[42], caps still remain, and people reuniting with their families in November 2017, were approved in February 2017.

[37] Situation Update: Unaccompanied Children in Greece, 15 November 2017

[38] Greek Forum of Refugees report, July 2016

[39] Infomigrants: 'Greece's asylum policy explained', May 2017

[40] Παραλίγο δυστύχημα στην Εγνατία με λεωφορείο με πρόσφυγες

[41] DW, Germany limits refugee family unification for those arriving from Greece.

[42] German Administrative Court doubts legality of the family reunification cap, September 2017

In order to ensure people on the mainland have access to a fair, comprehensive and timely asylum procedures:

- The **Greek Government** should significantly increase capacity to process asylum claims, including by fully establishing, properly staffing, and increasing access to Regional Asylum Offices throughout Greece and/or establishing mobile units for remote areas with large asylum-seeking populations.
- The **Greek Government** should ensure that legal assistance is provided from the first instance in order to avoid a backlog of cases before the Appeal Committees.

B. Access to social rights

An improved, but still incomplete education plan for the mainland: The months that followed the entry into force of the EU – Turkey Statement found the Greek Government faced with the challenge of ensuring a significant number of refugee children had access to education, a challenge that remains one of the biggest gaps in the response to date. Unfamiliar with organising education in emergencies, the Greek Government started to adopt the opening of preparatory classes (DYEP) as a temporary solution that has ended up running in parallel with formal education options such as regular morning and Zones of Educational Priority (ZEP) schools. While progress has been slow, the government has steadily managed to overcome considerable obstacles, such as the unwillingness of local communities to accept refugee children. Dispelling rumours amongst the refugee population was also a major issue, as many believed registering their children in public schools would suspend or even refute the examination of their asylum or relocation applications. Unavailability of places in schools, lack of supporting documentation to enrol children, children's health problems, huge divergences in literacy levels, and the co-existence of numerous linguistic backgrounds are practical barriers to date.

Obstacles and good practices in the provision of healthcare services: Despite the attempts to cover healthcare needs in mainland sites through the *Philos* programme[43], and acknowledging the general constraints of the national healthcare system in Greece, access to comprehensive primary healthcare and full psychosocial services for asylum seekers is insufficient. This is particularly important for vulnerable people, including survivors of torture and SGBV. In theory, Greek legislation allows asylum seekers access to free basic healthcare and pharmaceuticals in public hospitals. Yet, overall accessibility remains insufficient and difficult due to the lack of language support, female medical staff, and transportation to hospitals from remote sites[44].

Further limiting their access to health care, up until a few months ago, the generalised refusal of the competent public servants to provide asylum seekers with an AMKA (social security) and AFM (tax registration) numbers, by often using pre-emptive excuses, exacerbated their physical, psychological and economic situation, while constituting a violation of the legislation in force. Even though the situation has significantly improved with the submission of a joint petition to the relevant Greek authorities by several NGOs[45], many NGOs still receive reports of instances, especially in the case of children, where the problem persists.

Access to the labour market: Asylum seekers have access to the labour market from the moment they obtain an asylum seeker's card. Nevertheless, asylum seekers and recognised refugees continue to face tremendous impediments in their efforts to participate in the labour market as a result of the country's protracted economic crisis and high unemployment rates. Bureaucratic obstacles in obtaining the necessary documents, as well as opening a bank account to receive payment, are also two critical issues. For instance, alternative residency documents for people living in sites or self-accommodated refugees without official rental contracts are often not accepted, and problems with getting AMKA and AFM numbers make registering in the unemployment register more difficult. Additionally, lack of communication

[43] https://philosgreece.eu/en
[44] UNHCR Site Profiles, June 2017
[45] Joint report of 25 organisations for cases of violations of asylum seekers' rights, August 2017

by the MoMP about availability of social security mechanisms makes it impossible for refugees to access social welfare. As a result, most people are unable to obtain gainful employment, forcing them into dangerous income-generating endeavours, such as black labour.

Use of sites as long-term accommodation: Sites are not an acceptable form of long-term accommodation. Yet, more than a year and a half since people became stranded on the mainland, and despite the decreasing asylum-seeking and refugee population, the MoMP continues to accommodate 11,000 people in sites. In a positive development, the MoMP evacuated five unsuitable sites by mid-November 2017, but they are all still considered operational. In the interim, thousands remain in isolated areas, outside of urban settings and far from social services, without sufficient access to public transportation. Still, many people refuse their referral to apartments due to lack of information, in a language and format they can understand and access, about the duration of this accommodation assistance and fear of potential 'abandonment' when it ends.

The vast majority of sites on the mainland are operating without official site management. As a result, there are no competencies for the monitoring or evaluation of these facilities or any competent body in place for oversight and there is a risk that they do not meet the minimum standards required by the EU Reception Conditions Directive. Meanwhile, the absence of a transparent, nationwide system of counting people accommodated in formal structures has created a discrepancy between the numbers of people said to be living in sites by Site Management Support (SMS) agents and by the government respectively[46]. This creates serious problems on a daily basis, with people living in the streets when there may be available spaces in sites and/or unable to receive services (e.g., cash distribution).

The accommodation programme implemented by UNHCR to provide more dignified, appropriate long-term housing for those stranded in Greece was originally designed just for asylum seekers; but given the increasing number of recognised refugees, this program de facto extended shelter and financial assistance for six-months after recognition, as an interim measure. So far, however, there has not been an official government announcement of the extension of shelter and cash programmes for recognised refugees, which creates confusion and frustration for both agencies offering and beneficiaries receiving these services. What is certain is that, at some point, recognised refugees in Greece will have to make their own accommodation arrangements, without any support from the government. Based on recent data, this means that about 2,200 people who benefit from this programme and have been granted refugee status[47] will soon have to gradually leave the accommodation that has been provided to them. Regardless of the extension, in such an uncertain environment, it is crucial that there is simultaneous support for programme beneficiaries to earn an income, in order to avoid aid-dependency and increase self-reliance.

Lack of alternative care for UASC: There has been a persistent shortage of safe accommodation or alternative care options for the children arriving to Greece alone--now estimated at 3,250, with just 1,151 shelter spaces available[48]. As a result, hundreds of children are living in unsafe conditions, or are placed in "police protective custody" (detention) without access to the protective services they need, exposed to significant risks. The institution of guardianship, despite announcements made of pending legislative reform, remains ineffective; and other forms of appropriate alternative care beyond the standard shelter model, such as foster care and semi-independent living, as well as transitional accommodation for children 18+, have received little coordinated support or approval from the government, despite often being more cost-efficient and in line with the needs and best interests of children. Moreover, there has been no information released as to whether existing, small-scale alternative care initiatives will be continued, let alone expanded. Furthermore, as mentioned above, discontinued

[46] UNHCR Protection working group minutes, 29/08/2017: "*There is not a unified system to measure the real time capacity and the number of empty places per site. This is obvious from the discrepancy in the accounts of the available places between the official figures and the figures of the SMS agencies (the latter show that there are available places whereas the government reports the contrary, focusing mainly on sites of North –Epirus, Larissa, Derveni, Nea Kavala, Filippiada, Konitsa, Doliana, Alexandria- which are indeed problematic).*"

[47] UNHCR-ECHO weekly update, 28 November 2017

[48] Situation Update: Unaccompanied Children in Greece, 15 November 2017

financing for some of the existing shelters after the recent transition to government management threatens to further reduce the already insufficient number of safe shelters available for these most vulnerable children.

In order to ensure people on the mainland have access to the services to meet their basic needs:

- The **Greek Government** should provide clear instructions and information to all education actors and families about access to formal education and provision of supportive services for enrolment for parents in their languages and formats they can understand and access, as well as educational activities for male and female youth.
- The **Greek Government** should staff hospitals with male and female translators and cultural mediators to accurately and adequately communicate with individuals about their diagnosis, treatment options and treatment instructions.
- The **Greek Government** should ensure all personnel at hospitals and government offices are aware of the legal provisions for asylum seekers and refugees, such as for providing tax registration and social security numbers and access to basic services. Also, provide public servants with intercultural mediation training.
- The **Greek Government** should ensure that asylum seekers and refugees have access to language courses and employment and self-employment services to integrate into the labour market.
- The **Greek Government** should utilise the existing National AMIF scheme to extend housing and cash allowances, as a bridge programme for recognised refugees.
- The **Commission** and other **donors** should ensure the continuation of funding streams to cover significant gaps in services for women, girls, single men, UASC, and survivors of SGBV for agencies with the expertise and capacity to support the state in these aspects of the response that require long term planning.
- The **Greek Government** should include child protection measures and other alternative care options beyond just shelters for UASC and children turning 18 in the national calls for funding, including guardianship, foster care, semi-independent living and transitional accommodation targeting youth leaving UASC shelters.
- The **Greek Government** should ensure that the army, police, health care providers, educational facilities and social services are provided with additional and necessary resources (e.g., interpreters and cultural mediators) to address the increased workload. This includes ensuring that refugees' needs and concerns are listened to and inform planned and well managed refugee policies.
- The **Greek Government, municipalities** and **civil society** should increase targeted communication with asylum-seeking, refugee and host communities to address concerns and ensure they are informed in languages and formats they can access and understand (e.g., audio, video).

C. A Pathway to Integration

Access to the rights and public services described above is the first step for supporting asylum seekers and future recognised refugees to become self-sufficient, contributing members of their new communities in Greece or other EU countries; but this alone will not be enough. As increasing numbers of people are granted refugee status or subsidiary protection in Greece, the transition from support schemes designed only for asylum seekers to national schemes is critical, and integration policies should be introduced and immediately implemented at the local, regional and national levels.

Caught up in the emergency response, the government has only recently started discussions about ways to integrate refugees into the social services and welfare system. Therefore, except for elements that cover basic needs, a holistic integration plan at the national level has not been designed or formally communicated, despite repeated announcements from the involved state agencies in various meetings. While the government moves slowly on its national response, the design of a strategic self-reliance and integration plan by the Municipality of Athens for its new, long-term residents is a positive development and an example for other

municipalities who will play a critical, front-line role in supporting social cohesion and successful integration.

Integration, in addition to a legal obligation, should also be a political priority. The government must provide the formal requirements and substantial conditions for the inclusion of refugee populations in the social fabric of the country. Therefore, a comprehensive integration plan, taking into account and engaging with municipalities and civil society actors, should cover formal measures (legislation and implementation) and the material conditions of integration (e.g., awareness and training of public officials, intercultural mediation and interpreting, specialised services) while creating avenues for both refugee and local communities to interact, participate and communicate their needs and concerns.

Bringing communities together
The Greek Government should approach integration as a dynamic, two-way process and develop national actions based on this principle, using existing initiatives developed by NGOs and local authorities as examples—such as Solidarity Now's Tilos project,[1] which aims to support refugees' integration on a small island in Greece, combined with local opportunities for growth and sustainable development, or the Athens Coordination Centre for Migrants and Refugees (ACCMR) of the Municipality of Athens. These initiatives not only provide assistance but can also challenge existing negative narratives about refugee and migrant communities.

In order to guarantee access to social rights, promote social cohesion and successful integration:

- The **Greek Government** should engage all stakeholders, including relevant Ministries, mayors, municipalities, civil society, host community groups and representatives of the asylum-seeking and refugee communities in the design of a strategic social inclusion/integration plan, and in the planning and implementation of integration measures.
- The **Greek Government** should ensure consistent administrative practice that guarantee access to social services and the labour market. Supporting and promoting independence and employment opportunities facilitates integration.

CONCLUSION

As we enter this new phase of the response in Greece, with many of the organizations who arrived at the onset of increased arrivals to support the government slowly downsizing or ending their programs entirely, it is critical to acknowledge all of the collective progress made, the lessons learned, and the persistent challenges and issues to address, in order to provide refugees with the response they need and deserve. To continue to improve the situation for refugees in Greece, it is vital that the Greek Government establishes a strategic plan to guide all stakeholders involved, provides a coordination mechanism that allows for their engagement, and improves its access to and management of the EU funds made available. The EU and its member states should support the government in its efforts going forward and strive for greater responsibility sharing, while ensuring the protection and rights of refugees are at the heart of all policies adopted and implemented. All stakeholders have a role to play in improving the response in Greece going forward.

The information in this publication is correct at the time of writing.