

THE ASYLUM PROCEDURE IN GREECE

**CURRENT SITUATION IN EUROPE FOR ASYLUM SEEKERS AND
REFUGEES ARRIVING IN GREECE.
OBSTACLES AND BARRIERS**

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INTRODUCTION

The Mediterranean Sea has turned into a mass grave. Millions of people have been forcibly displaced from their home countries in search of new lives due to conflict and insecurity. These people are threatened by armed conflicts, political persecutions, famines, climate change crisis and economic instability, among other reasons. Most of these refugees and asylum seekers remain in neighboring countries, and only a small portion make their way to Europe.

The European immigration policies are in direct relation to the right of free movement within the borders agreed on the Schengen treaty. According to the official principles, the internal free movement of people is not possible without the reinforcement of the exterior borders. Thus, the highest budgetary efforts in terms of immigration have been assigned to control the population movements by surveillance, violence and repression, like the so called “pushbacks”, the Dublin Regulation and the Frontex agency (European Border and Coast Guard Agency), which was created in 2004 to control the European borders and now has turned into the common armed wing to fight against irregular migration.

Confronted with the impossibility of entering the Schengen zones, thousands of migrants attempt a risky journey by boat in hopes of crossing European borders. However, crossing in small boats and dinghies is extremely long and perilous. As a result, thousands of people die each year and tens of thousands live in alarming conditions in refugee camps.

The European Union was slow in its response to the immigration crisis it faces. Although the EU created the distribution quota system, some states refused to acknowledge their part and those who did only some, not meeting the exact number, such as Spain, where only 1359 people arrived in 2018 when the country had promised to accept 17337. This distribution system tried to relieve the states where an increased amount of asylum claims are processed, such as Italy and Greece.

In addition to this system, the EU adopted a second regulation: The Turkey-EU agreement. This measure has been criticized by numerous organizations on the grounds that it violates asylum rights according to International and European law. Consequently,

it can be concluded that the European response to the so called “refugee crisis” is hugely inadequate.

In 2015, Greece experienced a sharp uptick in arrivals due to the Greek government-debt crisis and the collapse of the country’s authorities. These events caused refugees to flee to the northern countries through the Balkan route, until it was closed. This caused the number of people claiming asylum for in Greece to grow substantially. Asylum claims in the country increased by 400%, causing the situation to be very grim. Refugee camps on the Greek islands became overcrowded and conditions were nearly uninhabitable. Refugees were met with the complex task of claiming asylum and faced lengthy delays and countless obstacles while navigating a bureaucratic process and a collapsed government.

Over 5 years have passed since the European migrant crisis, when more than a million migrants came to Europe requesting asylum to escape violence and hostile conditions in their home countries, and the circumstances have scarcely improved. Following the July 2019 elections, when the Greek right-wing party New Democracy won, claiming asylum in Greece has become even more arduous. In an attempt to reduce the number of arrivals, ease the returns to Turkey and strengthen border control measures, the EU has adopted increasingly restrictive policies on asylum and migration.

According to both the United Nations Geneva Convention (1951 Refugee Convention) as well as on the European Charter of Fundamental Rights, everyone has the right to seek and enjoy asylum. Everyone should be allowed to enter another country to seek asylum. Unfortunately, the reality is vastly different than the theory. This work highlights the barriers and obstacles that asylum seekers and refugees must confront in their quest for safety in Greece, and Europe as a whole, and how so many of them have been denied of this human right on their pursuit of a better life.

CONTEXT

The Greek Asylum Service (GAS) is the government department responsible for processing asylum claims and has only actually existed since 2013. The first asylum claim

was recorded by the Greek Asylum Service in June 2013. Before that, people who needed protection had to approach the police and were often abused and imprisoned. It was a really tough situation as they were refusing almost 99% of the asylum claims.

All eyes have been on Greece since 2015, when there was a huge increase in arrivals. Actually, people have been arriving to Greece in need of protection or because they had to leave their home countries for many decades. As an example, Lavrio, a self-organized Kurdish camp, is the oldest refugee camp and it started in 1947. Even though the arrivals in Greece have decreased since 2015, and even if we stopped seeing images in the media of mass arrivals, the number of asylum applications have increased dramatically from 2015 to 2018. People could consider that the so called “refugee crisis” was over, but in Greece, asylum claims went up 400% because people were stuck in the country since the “Balkan route” was closed. Before, people were arriving in big numbers but, as borders were open, people were leaving also in big numbers. Now, people are trapped, unable to continue their journeys.

The EU – Turkey deal was made after all these massive arrivals between 2015/2016. The European authorities were trying to end the massive arrivals that came from Turkey, going through the Balkan route, and arriving in center and northern Europe. After meetings and discussion between the countries involved, the agreement became effective on 20 March 2016. From that moment, Turkey had to reinforce the surveillance of its coasts, becoming the guardian of the door to Europe. As a counterpart, the European Union promised to resurrect the accession process of Turkey and to guarantee that Turkish citizens could travel without any visa to the community countries. However, both of these promises were never accomplished. The European Union would paid 6 million euros to defray part of the costs of attending refugees and asylum seekers in Turkish land. Between 2011 and 2019, Ankara spent about 30 million euros in health care, in adapting its education system, building camps, food delivery and emergency help. ¹

On the other hand, the little support that there is when people claim asylum, is generally EU funded. This is an attempt to make the conditions good enough so people can be

¹ MOURENZA A., “Sinora. Historias de la frontera de Europa y de las personas que la habitan”. La Caja Books, 2020

returned, if they manage to leave Greece, back to Greece. In 2016, the European Commission concluded that the conditions in Greece had improved, so people could stay there or even send back to Greece.

After the entry into force of the agreement, people arriving in the Greek islands could be returned to Turkey if Greek authorities considered that they could not apply for asylum. Turkey was considered as a “safe third country”. The ones that arrived before could not continue their journey to northern Europe either, as the rest of the countries in the migratory route, from Austria to the south, had closed their borders. In short, the objective was trying to reject and pushback as many people as possible to Turkey arguing that it was safe so there was no need to continue the journey to Europe.

The closure of the way out from Turkey has made the Turkish government to close its way in too. Turkey built a wall of hundreds of kilometers in the Syrian border in order to avoid the entry of refugees and asylum seekers. Many human rights organizations have reported that, since the agreement came into force, the number of deportations of Syrian people has raised, so Turkey cannot be considered in many ways as a “safe third country”.

In the practice, pushbacks to Turkey are not happening frequently. Thus, Greece became a mousetrap for refugees and asylum seekers. People are getting stuck on the islands. There was an establishment of 5 “hotspots” on 5 Greek Islands: Lesbos, Chios, Samos, Kos, Leros.

The collapse of the Greek islands was caused by the “island restrictions” system, which was introduced at the same time as the EU-Turkey deal was made. This applies to people who arrive from Turkey to the Eastern Aegean Islands (Lesbos, Rhodes, Samos, Leros, Chios and Kos), who are subject to the Fast-Track Border Procedure. The applicants receive an asylum seeker’s card with a stamp that mentions: “Restriction of movement on the island of (...)” without a previous individual assessment and as a consequence, without the possibility of effective judicial protection. Their movement is systematically restricted within the island they arrive, and they are forced to do the whole asylum process there. These restrictions are lifted if the person is granted with international protection, if the Dublin Regulation applies and they are involved in a family reunification process, or if the support needed for a vulnerable applicant cannot be provided within the area of

restriction. They can be also lifted under one of these provisions, according to article 39 of the Decision of the Minister of Citizen Protection of December 2019, that regulates the geographical restrictions since January 2020:

- a) *Unaccompanied minors*
- b) *Persons under the condition that after the take charge request submitted by the Greek Authorities has been accepted by another member State*
- c) *Persons whose applications can be reasonably be considered to be well founded and*
- d) *Persons belonging to vulnerable groups or who are in need of special reception conditions, as long as it is not possible to provide them with appropriate support.*

This “geographical restriction” on the given island is imposed by the Police Authorities and the Asylum Service. As pushbacks are not frequently happening, more and more people have to live on the islands, where conditions are horrible and are getting even worse. As noted by the EU Fundamental Rights Agency, “Greece shows that this approach creates fundamental rights challenges that appear almost insurmountable ²”. The main protection risks are: overcrowding, a lack of sufficient access to basic services, including medical care, limited sanitary facilities, violence and lack of security. Because of this situation, people often move to the mainland without an official permission, which has very difficult implications for the asylum procedure. As the geographical restriction is still in force, their applications are not lodged outside the area of restriction. Besides, people cannot renew the asylum seeker card and the examination is interrupted.

(See *Annexed 1* “Number of decisions of lift of geographical restrictions per RIC and per category of vulnerability. Page 38)

With the new government that was elected in Greece in July 2019, a more punitive policy on asylum was announced in order to reinforce border control measures, reduce the number of arrivals and increase the number of returns to Turkey. A negative campaign against organizations and associations helping and working with refugees was also

² Opinion of the European Union Agency for Fundamental Rights on fundamental rights in the “hotspots” set up in Greece and Italy. Vienna, 29 November 2016

initiated. They have been trying to spread that these organizations often do illegal things, untruthful statements such as facilitate illegal immigration. That is why there is a lot of pressure at the moment on NGOs. As NGOs are not trusted, the government is taking responsibilities from them into state control. This happened, for example, with non-accompanied minors. The government rejected the NGOs' guardianship because the state was going to provide them, but they had not recruited any. So many tasks have been taken, but the government cannot provide the services itself.

In November 2019, a new asylum law was approved which has been criticized by several international human rights bodies, as it easily excludes asylum seekers from the process due to its difficult requirements to follow, blocking them to get the international protection they need and that they have the right to request. It has been also reported the increasing number of "pushbacks" that are frequent, not only in the Evros river, the border with Turkey, but also at the Aegean Sea.

Many international human rights organizations have reported several times the violence against the migrants in the border, at land and sea, by the Greek authorities, including the so called "pushbacks". *Greek border forces are violently and illegally detaining groups of refugees and migrants before summarily returning them to Turkey, in contravention of their human rights obligations under European and international law*, as Amnesty International has stated in a recent research. Illegal refoulements have turned into a common tool of the Greek migration policy as an attempt to stop people from entering the country.

In 2020, the United Nations High Commissioner for Human Rights (UNHCR), led by Michelle Bachelet, published a report where they told the European Union off for its actions in the Mediterranean Sea, and they blame them for thousands of deaths in the sea that could have been avoided. These violent practices in the border and the sea are carried out by Frontex. The European Border and Coast Guard Agency (Frontex) started operating in 2005 with barely 50 employees, a budget of 6 million euros and technical functions and risks analysis. After more than 15 years, this organization has become a political and police mechanism of 460 million euros and more than 1.200 employees.³

³ *Frontex: el guardian descontrolado. Informe 2021*. Por Causa, investigación, periodismo y migraciones

Frontex has gained its own autonomy, hiring their own personnel and authorizing themselves to carry and use arms. As the organization is growing, its presence in the origin and migratory transition countries is happening without transparency, democratic control and guarantees for the migrants or returnees. They have the obligation to respect human rights and to follow the protocols of international protection, but this obligation is, in most of the cases, avoided. Operations of search and rescue are gradually replaced by missions of air observation done by drones. They are not only accused of collusion with the Greek authorities in the violent pushbacks in the Aegean Sea, but also of systematically communicating the Libyan coast guards the location of the vessels of migrants and refugees in the Mediterranean Sea, which strongly violates international law.

In 2020, 15.969 asylum seekers and refugees arrived in Greece, which was 78.9% less arrivals compared to 2019, when 74.649 people arrived.⁴ This drop of arrivals can be related to the increase of pushbacks, the militarization of borders, and the restrictions stemming from the Covid-2019 pandemic.

WHO IS A REFUGEE?

When someone claim asylum, they are asking for protection. In order to obtain refugee status, the need for protection has to be founded on some specific reasons.

In the Article 1 (A)(2) of the fundamental provision of the UN Convention Relating to the Status of Refugees 1951, usually referred to as the Refugee Convention, a refugee is defined as a person who:

“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as

⁴ Asylum Information Database, Country Report: Greece. 2020 update. Greek Council for Refugees

a result of such events, is unable or, owing to such fear, is unwilling to return to it.”⁵

The definition also includes the term of “not having a nationality”, which is known as “statelessness”. Thus, this provision deals with the situation of both persons with a nationality and those without. The courts have interpreted the requirements of the definition to be the same in both cases. These cases are often linked to discriminatory practices of states, such as Bidoons in Kuwait or Rohingyas in Myanmar.

- well-founded fear:

There are two aspects to the possession of a well-founded fear: well-foundedness and fear.

There has to have a subjective element, the applicant genuinely fears persecution, that is an apprehension or awareness of danger; and an objective element, the fear must have an objectively justifiable basis, which has to be a reasonable possibility that they will actually suffer the feared persecution. This fear must be a future risk too.

This well-founded fear of persecution does not need to be necessarily physical, can be psychological or administrative. The persecution needs to be for specific reasons, that are called *convention reasons*. In the refugee convention they give 5 reasons of why someone can have this well-founded fear of persecution. The person does not have to meet the 5 reasons, but ideally one.

- Race (broad, includes ethnic and social groups)
- Religion (do not necessarily have to be practicing)
- Nationality (citizenship, also ethnic/linguistic/cultural)
- Political Opinion (against authority, can be imputed)
- Particular Social Group (people who share immutable characteristic, varies according to the country)

⁵ Article 1 (A)(2) United Nations Convention Relating to the Status of Refugees. Geneva, 28 July 1951

Besides the fear, the person must be unable or unwilling to avail themselves to the state protection. Unwilling, due to fear of persecution, or unable, due to inability or unwillingness of authorities, or because of applicant's convention reasons.

Even if the person manages to establish that they have a well-founded fear of a persecution because of one of those reasons and their own state cannot protect them, they then look at the "internal relocation", defending the possibility that maybe the person can escape from the fear by going to other place in their own country. If it is the state or the authorities that is feared, international relocation is unlikely to be a possibility. If the persecution feared is by non-state actor, international relocation might be argued, though the applicant's particular characteristics are relevant in arguing that it would be unduly harsh to relocate internally.

If the person has a real fear of something very serious, but they do not match with any of the 5 convention reasons, then they might be able to get subsidiary protection. In subsidiary protection the requirements are almost parallel but without a need of those 5 specific reasons. For example, in the case of Libya, where the threat is general, it is often given subsidiary protection, because it is not specific about the individual characteristics, there is a general risk of violence.

In this process, the burden of proof is on the applicant. It is the person who is claiming asylum and asking for protection the one who has to narrate and establish the facts of their case. They are not believed until they prove it. In Greece, the workers of the asylum services are not lawyers, and they do not receive any trainings about what is happening in the world and the history or the current context of each country, so no knowledge on the Asylum Service's part should be assumed.

Most of the people arriving in Greece come from Afghanistan. In 2020, 11.514 afghan people came to Greece. Only 28,3% received refugee status, 37,9% received subsidiary protection and 33,8% were rejected. The second most common country of origin is Syria, with 7.768 people arriving in 2020. Compared to Afghan people, Syrians had a higher rate of receiving refugee status, with 91.6% and 8.4% rejection rate. Afghanistan and

Syria are followed by Pakistan (4.146 people) and Democratic Republic of Congo (1.929 people).⁶

(See *Annexed * “Gender / age breakdown of the total number of applicants. Page 27)

ASYLUM PROCEDURE

- GENERAL INFORMATION

In Athens, there are several offices responsible for claims according to nationality, called Responsible Asylum Office (RAO). The division of these office was not made following any pattern, such as language. The offices are constantly changing, which is very confusing for the people trying to reach them. The main ones in the city of Athens are:

- Piraeus: Afghanistan and Bangladesh
- Alimos: Syrian people without passports, East and West Africa
- Keteaki: Syrian fast track, all other nationalities
- Larissa: for vulnerable applicants
- Nikaia: relocation or urgent cases

The Greek Asylum Service may be supported by the European Asylum Support Office (EASO) staff in different tasks, such as interviews and registration. As it is written in the (9) directive of the DIRECTIVE 2013/32EU: *the EASO should be mobilized to provide adequate support to Member States’ efforts in implementing the standards set in the second phase of the Common European Asylum System.*⁷

In Greek law, there are some groups of people that are defined as “vulnerable”. People considered as vulnerable (legally speaking) with evidence of the vulnerability, often need emergency medical or other special attention, including health care. It affects also the

⁶ Ministry of Migration and Asylum, *Yearly Report 2020*, published in January 2021

⁷ (9) DIRECTIVE 2013/32EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 on common procedures for granting and withdrawing international protection

asylum procedure and the entitlements. They can benefit from the special reception conditions. The current list includes:

- Unaccompanied Minors (people under 18 years old)
- Direct relatives of those killed in shipwrecks (parents, siblings, children and spouses)
- People with disabilities
- Elderly people
- Pregnant women
- Single-parent families with children under 18
- Victims of human trafficking
- People with serious illnesses
- People with mental and psychiatric disabilities
- Victims of torture, rape or other serious forms of psychological, physical or sexual violence, such as survivors of genital mutilation (FGM)

According to article 67.2 of the International Protection Act (IPA), where applicants have been identified as applicants in need of special procedural guarantees (vulnerabilities), they shall be provided with adequate support in order to be in the position to benefit from the rights and comply with the obligations in the framework of the asylum procedure.

Due to the low quality of the process of psychological and medical reports for asylum seekers and refugees, vulnerabilities are frequently missed. This affects directly to their asylum procedure, as they have to go through it without having their vulnerability assessment completed first. As the International Confederation Oxfam has stated in a recent declaration, “Greece and its EU partners are failing pregnant women, unaccompanied children, victims of torture or sexual violence and other vulnerable people who seek protection in Europe. They do not receive adequate support from the authorities that are legally responsible for protecting them and are being abandoned.”

On the other hand, it is not enough to be part of one these groups. People have the need to prove it on paper. This is a big barrier in terms of being recognized as part of a vulnerable group. Some of them are easier to evidence than others. Some organizations helped to provide, for example, torture reports, but the government has recently changed

the law, so the reports made by organizations are no longer valid. Only the reports made by the public health system are accepted. Accessing the public health system can be very challenging for people who do not speak the language. In order to get the accurate medical report, people often have to tell their traumatic experience without the right psychological support or even the correct translation. They are frequently turned away because of the language barrier and have to experience long delays and racism. There are also people that come with proofs from their home country, but as the proves are not in English or Greek, they are not valid anymore.

(See *Annexed 3* “First instance decisions on applications by vulnerable persons”. Page 37)

The government has the power to add or take away categories on this list. Before, the list included “post-traumatic stress disorder (PTSD)”, which was considered a serious psychological illness. As there were many people (obviously) presenting these symptoms, they decided to remove it. The same happened with “new mothers”, it used to be on the list, but it was deleted.

- **MAINLAND ASYLUM PROCEDURE**

There are many people in Greece who do not have any documents and that have never had any contact with the authorities. On each of the Greek island “hotspots”, there is a Reception and Identification Center (RIC), however for all of mainland Greece there is just one, which is in Fylakio, near Evros land border with Turkey. Lots of people do not pass through it. There is a very common practice that when people cross the land border, if they encounter authorities (police), they are physically pushed back into Turkey.

People often are detained for the basic fact of not having legal documents. There are more than 400 detention centers around the European Union. The detention clauses that were introduced by the International Protection Act (IPA) threaten the principle of only detaining asylum seekers in cases of exception or as a last measure. In the article 46 (2), the IPA provides that people who have already applied for asylum at liberty may be detained:

- a) *In order to determine or verify his or her identity or nationality or origin*
- b) *In order to determine those elements on which application for international protection is based which could not be obtained in the absence of detention, in particular when there is a risk of absconding of the applicant*
- c) *When there is a risk of national security or public order*
- d) *When there is a significant risk of absconding and in order to ensure the implementation of the transfer procedure in accordance with the Dublin Regulation*
- e) *In order to decide, in the context of a procedure, on the applicant's right to enter the territory*

Following the Article 46 (5) IPA, detentions can be imposed for an initial period up to 50 days and be prolonged up a maximum time period of 18 months. In 2020, 10.130 asylum seekers were detained⁸. Those detention centers could be police stations , warehouses that were turned into prisons or prefabricated camps surrounded by barbed wire. Conditions are horrible and are do not fit into the communitarian legislation. With all the violence and abuses that have been happening for many years in the border, if people manage to cross the border, they normally try to avoid encountering the police or any other authorities. In some cases, they do not deport them back and, as the detention center are full, they let them go with an order of leaving the country within the next 30 days.

People who are processed in Fylakio RIC are issued police papers, including their will to claim asylum. They are also fingerprinted but after that, they are told to leave. They have to travel by their own means, usually to Athens, and then try to find some kind of information and support. They are not explained their rights or being provided accommodation.

In the police papers that people are given, there is number called “EURODAC”, which means that they have been fingerprinted and that this information has been uploaded in the EURODAC system. EURODAC is a database, shared by all the European countries. This means that if people continue their journey, wherever they go, other countries can

⁸ Directorate of the Hellenic Police, 11 February 2021

check the database, as part of the Dublin Regulation. The Dublin Regulation is an EU Directive designed to determine which country is responsible for someone's claim for asylum. In the papers, there is usually also the willingness to claim asylum. If the person has a willingness number on their police paper, they can apply through online self-registration. This system was introduced in June 2020 due to the Covid-2019 pandemic.

The online self-registration is based on a form of 65 questions, available in many languages so people can do it themselves.⁹ There are many basic questions about personal information, about family information, about their journey, but there are also basic questions that can have a huge impact in the asylum procedure. People usually do it without having any legal advice, and this can have important effects with the answers to tricky questions. It is worth understanding the significance of the answers that are given. It is difficult for people to understand which parts of their experience are the relevant things in terms of an asylum claim. That is why it is very important for people to answer as much specific and with much understanding as possible, so in the next steps of the procedure it does not seem that they made things up. After registering online, people must wait for an appointment at the RAO in order to confirm the answers to the questions.

In general people must claim asylum by calling Skype. This is called pre-registration. If they have vulnerability evidences, people can contact the asylum offices (RAO) directly, which is obviously very difficult without having any information or without speaking English or Greek. People must call the Skype numbers according to a specific schedule depending on their language or where they are geographically. However, not all languages are included. For those who speak a language not on Skype, for example Tigrinya, they must approach their RAO directly.

Most of the times, the Skype lines are just off-line. Previously, the Greek Asylum Service (GAS) had only 2 members of staff for all of Greece answering the phone. The reality is that calls are not answered. People can be calling Skype for the allotted time for their language and no one is answering for months. There are organizations providing computers to call Skype for those who do not have the means to do it. This is one of the

⁹ Link to the online self-registration: <https://apps.migration.gov.gr/selfregistration/login>

first barriers that people find when applying for asylum, calling Skype for months with no answer.

When people full register their claim, if they are over 14 years old, they need to be fingerprinted. These fingerprints and the personal information (name, date of birth and nationality) are uploaded, as said before, to EURODAC. If the fingerprints are found in another EU country, a “Take Back Request” can be sent to that country. The country where the person was first fingerprinted, has to do the asylum process. It is also related to the “Family reunification” cases (will explain later), so when the people are fingerprinted, they have to mention if they have qualifying member in another EU country, so a “Take Charge Request” can be sent to that country requesting that the country accept responsibility for the person’s claim for asylum and the family can be reunited. However, for this to happen, people must claim asylum in order to be registered in the system.

When the claim for asylum is full registered it means the person has done the registration interview and the fingerprints have been taken, a legal document is given. This is the first legal document people are given: The International Protection Applicants Card (IPAC), which is commonly known as “White Card”, and it signifies someone has claimed asylum. This document needs to be renewed every six months in the office where it was issued.

For Syrian people with a passport, the system is different, and it is called “Syrian Fast Track”. Still, they have to claim asylum in the same way: calling Skype (there is a special timetable for Syrian Fast Track). The passport does not need to be valid, but it has to be original. It also applies for Palestinian people from Syria, if they have the accurate document that proves they are Palestinian refugees in Syria. This system basically means that they have the registration interview and the second interview at the same day. The decisions sometimes are given the same day too or in the next days. Even if these steps are fast, people are not given their ID cards or their travel documents that fast, which means that they cannot legally leave Greece. There is a huge backlog and people wait for their documents for years.

Applicants should be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a decision in accordance with the procedures at first instance.¹⁰

As the law is constantly changing, the new government in Greece has introduced a list of supposedly “safe” countries (article 38 DIRECTIVE 2013/32EU). This list means that, as the countries are “safe”, they can fast track these nationalities with their asylum claims in order to reject their claims as quickly as possible. This gives an extra difficulty on the people’s processes because they have to prove why the country is not safe for them.

Once a person has claimed asylum, they have the right to work after the first six months. They have the right to access public healthcare too with a provisional security number that is issued in the IPAC. This number is called PAAΥPA (Προσωρινός Αριθμός Ασφάλισης και Υγειονομικής Περίθαλψης Αλλοδαπού) and it is directly related to the IPAC, so if it is not renewed every six months, the PAAΥPA will be expired too.

Access to the public health care system in Greece can be very hard. As UNHCR reported, *access to health care for asylum seekers and refugees continued to be limited at several locations across Greece, in particular on the islands, mainly due to the limited public sector medical staff and difficulties in obtaining the necessary documentation¹¹*.

When a person goes first to a public hospital, will be required to create a hospital file. In order to create one, the person needs to provide basic information such as: full name, parent names, birthdate, form of identification, medical insurance information with the PAAΥPA number or the AMKA (Αριθμός Μητρώου Κοινωνικής Ασφάλισης), which is the national social security number, address and hospital department. People who are undocumented or people without PAAΥPA/AMKA can still register at a public hospital and will be asked to provide as much accurate information as possible

¹⁰ Article 9 DIRECTIVE 2013/32EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 on common procedures for granting and withdrawing international protection

¹¹ UNHCR Fact Sheet: Greece. 1-31 October 2020

They have the right to rent accommodation. Children have the right to go to school, however the education system is struggling and usually there is not an easy way to get children into school.

People have in theory also the right to have a cashcard, valid only for adults. This cash assistance program for asylum seekers was set up in spring 2017 by the European Union and originally part of the Emergency Support to Integration and Accommodation (ESTIA) and included the cash assistance and an accommodation component. Since April 2017, 193.335 eligible individuals have received cash assistance in Greece at least once.¹² It has had a positive effect on the lives of thousands of refugees and migrants in the country, supporting social cohesion and integration. It has also a positive impact on local communities, as it is eventually injected into local economy, family shops and service providers.

The UNHCR was in charge of providing this cash assistance in Greece, and in other countries, such as Jordan or Turkey, with the support of two organizations: Catholic Relief Services and the International Federation of the Red Cross. However, this assistance has been gradually handed over the Greek government in 2021. This transition has caused severe delays for people to receive the money. On October 1st, 2021, an estimated 36.000 people have not received the benefit.¹³

This cashcard provides 90€ per month where food is provided or 150€ per month it is not, while their asylum application is under examination. In the case of the families, the amount depends on the number of family members. Card beneficiaries cannot use the card as their own bank account nor transfer money to their own personal account. The way to apply for this cashcard is sending a message on the app “Viber” with a photo of their document. This compulsory digital technology that supplies the use of the prepaid card is a real obstacle for people that do not have any access to internet nor technology. When people manage to send this message, they often wait months until they receive an answer. Once the examination of the asylum application is over, they are excluded from the program, whether they are granted refugee status or not.

¹² Asylum Information Database, Country Report: Greece. 2020 update. Greek Council for Refugees

¹³ Refugee Support Aegean (RSA). *Refugees in Greece experience third month of humanitarian crisis and hunger*. 23 December 2021

Trying to make the system more efficient, some other actions can be taken using the online platform too. They can be submitted by lawyers or by people themselves, which is important because people can take steps by themselves and not pay lawyers for doing simple things as filling an online application. People need to attach evidences to the application in order to be approved. Sometimes asylum offices do not have access to the online system, and it is very important to follow up the cases through email. People in general have to wait months to receive an answer, but many times they do not get one or the applications are not even received. The actions that can be done online are:

- Application to change contact information
- Application to change personal data
- Application to postpone/expedite the interview date
- Application to request statement of application status
- Application to separate files
- Application to submit additional documents
- Application for copies of personal file
- Application for legal aid (only for appeals)

Following full registration, the person seeking asylum is given a date when their substantive asylum interview will take place (article 14 DIRECTIVE 2013/32EU). Before, it was printed in the old IPAC, but now it is not, so it is unclear for people to know the exact date. In theory, people are given a letter noting when the interview has been scheduled for, but they often wait years and many times interviews are cancelled and postpone for reasons such as the caseworker is sick, the workers are on strike, there is no interpreter available...

There are serious delays, though not fault of the person seeking asylum. Either Skype is not answering, or the asylum office is not responding to the emails, or appointments given in years... Once a person manages to get their document, then they are waiting, sometimes years, for the full interview. In the meantime, there is almost no support.

The substantive asylum interview is the opportunity for the person to tell their story. The full registration interview was taking personal and simple details and they are on the

record. It is very important that people know what is on the record because it will be compared if there are any differences, and if there are, it will be negative for the interview. Usually, the substantive asylum interview can last hours. It has many questions, and it is fundamental for the claim, so there are organizations that provide legal advice and preparation for the interview. In theory and following the principles of the directive 2013/32EU, *applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances*¹⁴. However, this help is usually not provided, and the non-governmental and independent organizations are the ones providing it. These organizations explain how the interviews work, provide some general tips and hear personal stories from the beginning to the end with an understanding of the law because what the caseworker is looking to do is to understand if someone's particular experience or fear fits in to the legal definition of who is a refugee. Perhaps people have suffered a lot, but their particular experience does not fit in this legal definition.

People are allowed an interpreter. If the exact interpreter requested cannot be obtained, then they will assign of the official language of that country and this can be very problematic. For example, for a Kurdish person that is not comfortable communicating in Arabic, but their nationality is Syrian, as Arabic is an official language in the country, that person can be interviewed in Arabic.

After the interview, the caseworker will consider saying yes or no to the claim. There is no state-funded free legal aid or support for people claiming asylum in this stage of the process, which is the most vital. There are NGO lawyers who do not take money or private lawyers who do take money. If the person has a lawyer who is legally representing the person, they have the right to be with them in the interview. Lawyers can provide documents and evidence that support the person's claim to justify why they should be believed and why the person should be given a positive decision. The authorization for lawyers to represent people now need to be done in front of the police or in a notary's office so they witness the signature, and they stamp it. Only this kind of authorizations will be accepted in the asylum office.

¹⁴ DIRECTIVE 2013/32EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 on common procedures for granting and withdrawing international protection

In the interview, they look if what the person says adds up. They usually check dates and years, but the reality is that the people, after living all those traumatizing stories, in general forget all the specifics. They are looking for consistency and objectivity with the actual information from the country.

If someone does not attend the RAO to renew their asylum document or for their substantive asylum interview, their case can be discontinued. The logic of the new recent law is that, in not turning up, the person is implicitly withdrawing their asylum claim and does not want to continue with the procedure. This is often happening in the islands, where people leave without permission because of the conditions and they end up not going to the interview, so they have a discontinued case. If someone wants their interview to be postponed, they can request this online. If they do not have time to make this application, or do not receive a response in time, it is recommended that they go to their interview and can request that the interview is postponed in person. When people have their case discontinued, they have to wait 9 months before submitting a subsequent application and there is no formal appeal process to re-open a case once it has been discontinued.

The decisions on claim for asylum should be made within 6 months of the substantive interview, but it can be extended a further 3 months if there are a lot of applications at that time. In practice, decisions can be pending for much longer. Before, decisions used to be served when people attended the RAO to renew their asylum documents. Due to Covid-19, all the documents were automatically extended, and people were forbidden from attending the RAOs for renewal, so it is really difficult to understand if someone has their decision ready or not, or when the decision will be received. They have been trying to post the decisions, which is also really confusing as people frequently change their address with no prove to send to the asylum office. It also happens when they send the decisions to the camps on the islands, but the people are no longer there.

If a person gets a positive decision, then they have refugee status or they are beneficiaries of subsidiary protection. The recognition rate at first instance in 2020 was 33%, down

from 55,9%, in 2019.¹⁵ (See *Annexed 4* “Granting of protection status at first instance”.
Page 37)

- REFUGEE STATUS: people get a residence permit for 3 years from date of asylum decision. They cannot have their original passport as they can no longer go back to their home country, so they can apply for a Refugee Travel Document to go to other countries. In theory they can apply for family reunion procedure, to get their family into Greece, but in practice this is almost impossible.
- SUBSIDIARY PROTECTION: The residence permit used to be for 3 years too, but it has been recently changed to 1 year from the date of the asylum decision. They are expected to apply for their own national passport, but if they cannot do that because their life is in danger, they can also apply for a travel document after proving it with evidences.

When having a positive decision, the cashcard is automatically cancelled. If the person is living in accommodation facilities (camp or in ESTIA program), they must leave these centers within the next 30 days after the granting of international protection. In the case of unaccompanied minors, they must also leave within the 30-day deadline once they reach the age of majority. This results in a high risk of destitution and homelessness due to the limited integration of recognized beneficiaries of international protection in Greece. They can also apply for their IDs and travel documents, but there are long delays.

People who have managed to get international protection then have the option of applying for HELIOS program. This is the first integration program introduced in Greece in 2019. For those who have finished the procedure, it provides a short of transitional foundation of support, which is 6 months of rental support as well as integration support: Greek language education, general social assistance, job counseling... The first requirement, as it was said, is been granted with international protection, either refugee status or subsidiary protection. They need to have either the Refugee/subsidiary protection ID or the IPAC stamped, AFM (tax number), proof of address or residence (camp address

¹⁵ Asylum Information Database, Country Report: Greece. 2020 update. Greek Council for Refugees

verification...), tax key and taxis net, tax declaration or solemn declaration saying that the person has never formally worked, bank account, phone number and a signature on a HELIOS document. The beneficiary has to find an apartment themselves and, assuming they can find the apartment, then HELIOS will provide a monthly rental subsidy. The idea is to smooth the transition from state accommodation to integrated life in Greek society.

Unfortunately, it is not really working as well as they had hoped. Many people want to sign up for the HELIOS program, and are attempting to gather the necessary documentation, which is very hard. It is difficult for people to go through all these boreoartic steps with any support or assistance, so it is very challenging to become a beneficiary of the program.

If someone gets a negative decision after the interview, then there is state legal aid for appeals. There is a registry of lawyer, but the system does not really work and there are only few lawyers on this registry. The asylum office is supposed to assign a lawyer on the registry to the person's case once they are refused, but often people have never heard of the lawyer assigned. The capacity of the second instance legal aid scheme remains limited and almost 2 out of 3 appellants do not benefit from legal assistance at second instance¹⁶. People have 30 days since they have notified the decision to appeal. If the person has appealed, it means they cannot be sent back to their country.

Recognition rates at second instance are, in practices, very low. In 2020, 4.2% of the second instance decision that were issued resulted in the granting of international protection; 1.48% resulted in the granting of humanitarian protection and 63% resulted in a negative protection¹⁷. If this appeal is refused and the person does not have new evidence that can change their case, there is a further right of appeal to the Administrative Court, but only if there has been a legal error in the previous appeal decision. There is no state legal aid for this kind of appeal and people have 60 days from the notification of the decision. It is basically an application for annulment of the previous decision because it is legally incorrect. While the decision is taken, the person case cannot be changed, as

¹⁶ Asylum Information Database, Country Report: Greece. 2020 update. Greek Council for Refugees

¹⁷ ""

they cannot be sent back to their country. The decisions can take years, the fees are really high and the rates of success are low and the waiting times for decisions are really long. Only Greek lawyers can submit appeals to the Administrative Court.

On the other hand, if someone has been refused asylum and they have no more rights of appeal left to exercise, a subsequent application can be made for asylum. If the person has new evidences that can be considered by the asylum service then they can make a subsequent application, also known as fresh claim. Again, a Greek lawyer is needed. They have to start from the beginning, by calling Skype. The subsequent application is a two-stage process: first, the GAS decides whether the subsequent application amounts to such. They will consider if it enough to submit the application. If the documents submitted are considered to amount to a subsequent application, the person will be issued a new asylum document (as they are within the asylum process again) and new decision will be made, with appeal rights as before if refused.

DUBLIN III REGULATION

The Dublin Regulation is the EU system that determines which country is responsible for someone's asylum application. It was signed in 1990, but it has been amended twice. The Dublin Convention was replaced by the current system: the Dublin III Regulation, from 2014.

This system was designed to speed up the processing of the applications, to avoid that people could choose where to apply for asylum and to prevent them from wandering from one country to another. Besides determining which State is responsible from each application, the Regulation tries to protect the applicants during the procedure and tries to detect the deficiencies of the national states to prevent a bad management of the applications. It guarantees that laws and procedures from all European States are based on the same standards and principles, so the applicants can have the same levels of protection in all of them.

Dublin establishes 3 basic principles:

- 1) Asylum seekers only have one opportunity to claim asylum in the European Union, and if the decision is negative, this will be recognized by all the member states
- 2) The distribution criteria of the Regulation prevail the applicants' preferences in order to determine which State is responsible
- 3) Asylum seekers can be transferred to the member state that has been assigned

These criteria have been changing through the time. As now, it is considered that the family reunification is the first one: the application should be examined in the country where the applicant has family members with refugee status or where they are claiming asylum. Otherwise, the first one would be the state where the applicant has a residence permit or a visa and the second one the European member state where the applicant has first arrived. When none of these criteria can be used, the state where the applicant claims asylum must be the responsible one.

For the operation of the regulation, it was created the EURODAC information system. EURODAC is a centralized database for the fingerprint storage of all the asylum seekers and people who were detained when crossing the borders of the European Union. Through this system, authorities from member states can check if they are responsible for the asylum claim or they have to refer it to another European country, either because the person had already applied there before or because they had firstly arrived at that country.

If the person seeking asylum's fingerprints are found in another EU country, a "Take Back Request" can be sent to that country. If the person seeking asylum has eligible family members in another EU country, a "Take Charge Request" can be sent to that country requesting that the country accept responsibility for the person's claim for asylum and the family can be reunited. These requests are sent via DublinNet.

There is a big dissimilarity between the theory and the practice. The reality is that the most common criteria is the one where the applicant first arrived. This creates a huge unfair disproportion between the bordering countries and the non-bordering countries. Thus, Greece and Italy receive and process a very higher percentage of asylum claims compared to the northern countries.

Not by fleeing from where they have come, they are indifferent to where they are going. These Dublin criteria does not usually match with the preferences of the people claiming asylum. These preferences are related to personal questions but also with the differences of the host countries, especially when it comes to asylum procedures and hosting conditions, social rights and the possibilities to find a job.

The reality is that there is no guarantee of fair and efficient exam of the asylum applications in all the member states. There are long delays and people often are detained before being transferred to another country and, in many cases, these transfers are made against their will.

- **FAMILY REUNIFICATION**

Even if the person does not want to stay in Greece because they have family member elsewhere in Europe, they must have an asylum claim. Only by an asylum claim people can request to be transferred to another country.

In terms of terminology, there are three important concepts that need to be cleared up. Firstly, there is the applicant, who is the person that has claimed asylum (applicant for international protection) and is seeking family reunification. Then, on the one hand, there is the *sending* state, which is the country sending the *Take Charge Request*, and that in this case would be Greece. On the other hand, the *receiving* state is the country in which the applicant's family member or relative lives, to which the *Take Charge Request* is sent.

In the case of Greece, the Greek Dublin Unit (GDU) is a department within the Greek Asylum Service responsible for cases where family reunification is requested under the Dublin Regulation. This department has the power to send cases to the *receiving* states or not, and in many cases their decisions have been doubtful and legally dubious.

The people who have a Dublin case do not have to attend to the asylum interview, even if there is a date on their cards, it is symbolic. It is recommended, though, that people should still attend to the interviews in order to avoid discontinuation cases. Sometimes

these interviews get postponed because people are waiting a respond from the receiving countries, so there is no use to do it if there is another country who could be responsible for that case.

In regard to eligibility, adults can apply to be reunified with the following family members: spouses (husband or wife); unmarried partners in a stable relationship, which is less impartial because it depends on the case and on the country, but it is important that people support the case with strong evidences of the relationship; and minor children, so they must be under eighteen and they should be unmarried, they should not be living their own independent family unit.

As well as having a family member of that relationship to the person, the immigration status also matters. Dublin is designed to make sure that people's claims are considered together or that refugees have the right to be with their family. The family member to which reunification is sought should be either claiming asylum or have received asylum. For adults, it is enough to be in the asylum system, they can just have claimed asylum in the receiving state, they don't need to have any kind of positive decision. If the family link was created after fleeing their home country the requirements are stricter: the Dublin Regulation states that the family member needs to have a positive decision already. However, it is not possible to go to someone that has been refused.

Also, under mandatory articles of the Dublin Regulation, there are provisions for unaccompanied minors, that are children under eighteen who are alone. Unaccompanied minors can apply to be reunified with the following family members: their parents or legal guardians and siblings (brother or sister), that can be minor or adult. They can also apply to be reunified with relatives: aunts or uncles and grandparents. However, the relatives must show that they can *take care* of the applicant. The family member or relative to which reunification is sought must be legally present in the receiving state, dismissing refused or undocumented cases. In many European and national legislations, it is usually mentioned the "best interest of the minor", which means that what is best for the child must prevail.

These are mandatory provisions, which means that if the person meets the requirements and one of these family relations apply with the correct evidences, the country has to

accept them. In the Regulation it is stated that even if something is sent under the wrong article, legally the receiving state should accept if it can win under any of the articles.

The Dublin Regulation states that it is the circumstances at the time a person claims asylum that are relevant. Whatever the circumstances were, those will be the circumstances that matter. This concept is known as the *Freezing* clause and it is especially relevant for minors about to turn eighteen. Following this clause, it does not matter if they turn eighteen before a *Take Charge Request* is sent or examined, as long as the applicant is a minor at the time of claiming asylum. The clause, however, does not apply for the articles of the Regulations that are related to humanitarian cases or dependency cases.

When an applicant is dependent on the assistance of his or her child, sibling or parent legally resident in one of the Member States, or vice versa, the case is called a *dependency* case. The dependency should be because of pregnancy, a new-born child, serious illness, severe disability or old age. Because that applies to both members of the relationship, they make an application under this article. The family tie must have existed in the country of origin. The child, sibling or parent or the applicant must be able to take care of the dependent person and prove it with evidences. Written consent is also required. In this type of cases, no *freezing* clause is applicable.

The Dublin Regulation includes also a *discretionary* clause that gives a member state the power to take responsibility for an asylum claim if it wants to. For humanitarian reasons, someone can be transferred but the receiving state has the power to accept the case or not. This clause is especially useful for people who do not meet the mandatory requirements, but they are in a special or vulnerable situation, such as children over eighteen, those who do not have any family relationships, or parents that want to go to their children, but the children do not have refugee status. In terms of the procedure, these requests should be sent to the receiving state within 3 months. However, they can be sent at any time as long as a first instance decision has not been made on the asylum claim. As the dependency cases, no *freezing* clause is applicable.

It is common to know cases of people who have arrived as a family in Greece and then one or more family members have continued their journey, arriving and claiming asylum

in a 3rd European country, while the remaining family members are in Greece. Afterwards, the family wishes to be reunited using the Dublin route. This is a common case in Greece because usually people try to leave the country, as conditions are horrible, but there is no way to do it legally. Leaving the country illegally is normally very expensive for people so it is impossible for families to leave all together. Immigration authorities generally take the view that these families have separated “voluntarily”, blaming the family themselves for the separation and are not normally compelled to reunite them. Frequently, other countries send a *Take Back Request* to Greece to try to “reunite” the family in Greece, where they were fingerprinted. Although article 17 allows for *Take Charge Requests* to be sent after the 3-month deadline, the Greek Dublin Unit’s official position is that they will not send *TCR* for delayed cases where the family have separated after being together in Greece. In practice, they sometimes do, but such requests are routinely refused. It is more possible to be successful if they follow litigation in the receiving country’s courts. Even if the story is successful, there are prolonged separations for families.

Essential documents are needed to send the requests. All should be translated into English or the receiving state’s language and it does not have to be necessarily stamped or certificated. Firstly, they need to see that the person to which reunification is sought wants the person to go and this is made through a basic written consent with the personal information of both parts of the relationship and the desire to be reunited in that country. For minors, according to Dublin Regulation this is not necessary, but it is required by the GDU. Evidence of the family link is also needed, as well as evidence of the family member or relative’s immigration statuses. When there is a dependency or a humanitarian case, people have to provide evidences that establish that particular case. For children, there is a specific form where a (ideally) a professional explains, after an assessment with the family or relatives, what is the child’s best interests.

Within the Dublin Regulation, it is stated that *the requirement of proof should not exceed what is necessary for the proper application of this Regulation ART 22 4*. There are two different kinds of evidence mentioned: *probative* evidence, which are documents that are formal proof (such as birth certificates, family books, marriage certificates, civil registers...) or *circumstantial* evidence, which are refutable but sometimes may be sufficient (for example photographs, call records, receipts for any money sent to support

the family member or relative seeking reunification...). *If there is no formal proof, the requested Member State shall acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficient detailed to establish responsibility. ART 22.5.*

In general, the first thing that the immigration authorities are likely to do is look at the immigration records of the family member or relative to whom reunification is sought. It is important to remember that both stories will be compared so information should be consistent and if there are any discrepancies or omissions, they have to be explained in a statement. If the relationship existed at the time of family member or relative's arrival to the receiving state or in the first interaction with immigration authorities, they should ideally have mentioned the applicant now seeking reunification. In cases of unaccompanied minors, the best interests of the child must be assessed and there is a duty to identify family members.

With regard to deadlines, the *TCR* must be sent within 3 months of the applicant claiming asylum. When Germany is the receiving state, the 3-month deadline starts from willingness number, which causes deadlines to be missed easily, since there is usually over 3 months between willingness being recorded and full registration. Once the request has been sent, the receiving state must be sent within 2 months of the *TCR* being sent. If there is no response within 2 months, the Dublin Regulations says that that means a default acceptance. In 2020, Greece addressed 7.014 outgoing request to other Member States under the Dublin Regulation of which 1.922 were not sent within the 3-month deadline. Out of them, 2.009 requests were rejected by the requested Member states, while 2.385 requests were accepted.¹⁸

If the request is rejected by the receiving country, they must give full and detailed reasons. The response is sent via DublinNet. Unfortunately, the Greek Dublin Unit often notify applicants of negative decisions long after they are made, leaving people little time to submit further evidence. If the receiving state's refusal was based on misappraisal or there is further evidence to put forward, the applicant can make a re-examination request in 21 days. It is important that the person understand why the request was refused in order to

¹⁸ Asylum Information Database, Country Report: Greece. 2020 update. Greek Council for Refugees

provide further evidence if possible. The receiving state should then respond within 2 weeks. If they do not reply, the responsibility goes back to the sending state. If the re-examination request fails, the person can send another one. They can have multiple re-examination requests, although different countries will respond differently, depending on the case. Litigation in the receiving state should be explored when a final refusal is received. If the Dublin case is unsuccessful, the Greek Dublin Unit refers asylum case back into regular procedure. In the case of Greece, asylum claim continues in the country.

On the other hand, if the decision is positive and the TCR is accepted by the receiving country, the person in Greece must be transferred within 6 months of the decision made. The applicant wins the right to have their asylum claim processed in the receiving state. They will enter the asylum process, but they are not automatically given status to remain there, as the embassy procedure does. If the person is not transferred within those first 6 months from the decision, the responsibility goes again to the sending state, in this case Greece. In practice, most receiving countries understand that they are still responsible given that deadlines are currently passing through no fault of the applicants own (currently because of Covid-19). However, in order for the transfer of responsibility to legally pass to the receiving state, the GDU has to send another TCR which the receiving state then accepts. Once the TCR has been accepted, the case then passes to the Dublin Unit Transfer, which is responsible to book the trip for the applicant. Nevertheless, transfer must be arranged by Greek Asylum Service, the applicant cannot pay or book their own ticket to make things faster.

On the other hand, Embassy route implies applying for a visa directly to a country. Varies according to each country in which reunification is sought, so the requirements and procedures are determined by domestic legislation. The person that they want to go to needs to have a positive decision. A person can have an embassy application and Dublin procedure running in parallel, both routes can go at the same time.

CONCLUSIONS

Migration has been related to massive arrivals or waves of people. Words like refugees or immigrant are constantly linked to ideas such as illegality or invasion. The so called “Refugee crisis” questions the essence of the European Union, its values and the respect to human rights. After the continuous news that appeared in TV or in the newspapers with images of thousands of people arriving to Europe in 2015 and 2016, asylum seekers and refugees are not in the news anymore. People have gotten used to hearing that asylum seekers have lost their lives in their way of looking for a better life.

Thousands of men, women and children thrown off to the water in unstable boats under the eyes of cruel intermediaries, getting advantage of their hopelessness, being accomplices of their deaths. The Mediterranean and the Aegean Sea have become massive graves for thousands of people that were trying to reach Europe, looking for safety and a better life.

Borders are not only geographical lines that establish the limit between countries, but also political mechanisms that are used to determine who has rights or who has not. For millions of people borders are obstacles that can only be crossed by risking their lives. People cannot choose where to be born. If they could, they would not choose a country with war going on, with a high rate of poverty, with natural disasters happening frequently, with no access to health care, with no possibility of employment, etc. It just depends on luck.

As the ex-president of the European Commission, Jean-Claude Juncker, said: *Europe is a continent in which practically all of us have been refugees at some point.* However, it seems that we might have forgotten. When arriving to Europe, people are full of hopes of getting a better life for them and for their families. This hope is quickly vanished and destroyed by the way the European authorities welcome them. If they manage to reach Europe after avoiding pushbacks, violence in the borders, shipwrecks... they often find themselves locked up in detention centers, overcrowded refugee camps with dire conditions. In many cases, the only help they can access is habitually offered by volunteers and organizations promoted by citizens while governments and authorities look away and focus their actions in deport as many people as they can. Constantly, with

no legal support, asylum seekers struggle to navigate complicated bureaucratic systems with many deadlines and steps to follow in other languages that leave them unprotected, with no legal documents. To all this we must add the racism, xenophobia and hate they regularly are forced to experience, mainly promoted by far-right speeches happening all around Europe. People flee to leave the horror behind, but what they do not know is that their future in Europe can be even worse.

It is important to condemn not only the lack of solidarity, but also to condemn the false and inhuman idea that there is no solution for refugees in Europe. There are solutions and there are means. The reality is that there are millions and millions of displaced people around the world, and nearly none of them are in the European Union. Lebanon, which has the size of Murcia, hosts twice as many refugees as the European Union does. Most of the people who flee stay in the bordering countries of their own origin ones, such as Turkey, Pakistan, Colombia or Uganda. Europe can host more refugees than it has decided to, and civil societies can organize it and help them. Europe can support economic help to bordering countries of war zones as it can also promote an organized system of circulation within the European countries for asylum seekers.

Nevertheless, it does not mean that the people and the citizens share the same responsibilities of the leaders that are acting against the people arriving in their countries, since in many cases they have played an important role in giving a helping hand to refugees.

While politicians and authorities look away, in Europe we are living the worst humanitarian crisis after the Second World War. This situation does not look like the defense of human rights that European Union promotes, but like the situation many citizens are ashamed of. Europe must act now, together, in order to not leave anyone behind.

INFORMATION ANNEXED

ANNEXED 1: Number of decisions of lift of geographical restriction per RIC and per category of vulnerability (or other cases)

	Kos	Leros	Lesvos	Samos	Chios
Unaccompanied minors	18	62	311	145	194
Disabled persons	11	7	28	11	27
Persons with cognitive or mental disability	8	5	10	91	12
Persons with serious/incurable illness	79	202	57	272	63
Pregnant women	32	79	33	647	85
Single parents with minor children	35	0	65	550	21
Victims of torture, rape, or other serious forms of psychological, physical, or sexual violence (FGM, etc)	30	7	15	11	39
Victims of human trafficking	14	2	0	1	0
Elderly	8	54	7	49	12
Vulnerable persons and persons in need of special reception conditions (Art. 58 and 67 L. 4636/2019)	30	0	987	0	281
Direct relatives of victims of shipwrecks (parents and siblings)	15	0	0	0	0
Persons falling under the family reunification provisions of Articles 8-11 of Dublin Regulation (after the person is accepted by the concerned member state)	7	7	0	0	6
Persons whose applications for international protection are reasonably considered to be founded	18	0	0	0	9
Other reasons (eg urgent needs due to increased flows, family union, etc)	0	32	0	0	742
Total amount of lifts of geographical restriction per RIC during 2020	305	457	1,513	1,777	1,491

ANNEXED 2: Gender/age breakdown of the total number of applicants: 2020 (Source: information provided by the Asylum Service, 31 March 2021)

	Number	Percentage
Total number of applicants	40,559	100%
Men	27,807	68.56%
Women	12,752	31.44%
Children	14,490	35.73%
Unaccompanied children	2,799	6.9%

ANNEXED 3: First instance decisions on applications by vulnerable persons: 2020 (Source: Asylum Service, 31 March 2021)

Category	Refugee Status	Subsidiary protection	Rejection
Unaccompanied children	319	61	965
Persons suffering from a disability or a serious or incurable illness	387	49	659
Pregnant women/new mothers	662	120	235
Single parents with minor children	646	24	184
Victims of torture, rape, or other serious forms of violence or exploitation	99	11	65
Elderly persons	82	24	27
Victims of human trafficking	1	0	0

Minors accompanied by members of extended family	32	3	15
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ANNEXED 4: Applications and granting of protection status at first instance in 2020
 (Source: Ministry of Migration and Asylum, Yearly Report, 2020, published in January 2021, and information provided by the Asylum Service)

	Applicants in 2020	Pending applications at the end of 2020	Refugee status	Subsidiary protection	Rejection (on the merits)	Total number of 1 st instance decisions/acts	Refugee rate	Subs. Prot. Rate	Rejection rate
Total	40.559	57.347	26.371	7.954	22.821	81.052	33%	10%	28%
Afghanistan	11.514	19.327	4.606	6.164	5.494	2.330	28.3%	37.9%	33.8%
Syria	7.768	5.563	13.478	2	1.232	3.716	91.6%	0.01%	8.4%
Pakistan	4.146	4.711	99	9	4.061	917	2.4%	0.2%	97.4%
DR Congo	1.929	3.546	562	77	1.413	113	27.4%	3.8%	68.9%

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