



6.5.2019

NOTICE TO MEMBERS

Subject: Petition No 0933/2016 by A. G. (Australian, resident of the United Kingdom) on behalf of Rania Ali, accompanied by over 5,000 signatures, on Skype not being a solution for asylum seekers in Greece

1. Summary of petition

The petitioner writes together with G.V.D.D. and on behalf of Rania Ali (Syrian refugee) who attempts to claim asylum in Greece. The petition describes the situation as of June – July 2016 and it is accompanied with 5,114 signatures. The petitioner states that refugees can access the Greek Asylum Office by a Skype call to start an application procedure for asylum, reunification or relocation. It needs to be noted that this service is available only for one hour a week in some languages. They cannot reach the office via Skype for days or weeks so they practically cannot initiate the asylum procedure. This results in refugees being trafficked illegally across the border or even considering taking their own lives. The petitioner admits that recently a possibility of having a face-to-face appointment to initiate the procedure has been introduced. The petitioner demands that Greek politicians take immediate action to make the asylum procedure effective, with use of available EU financial resources.

2. Admissibility

Declared admissible on 9 January 2017. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 March 2017

The EU *acquis* on asylum contains procedural rules and criteria common to all Member States for granting and withdrawing international protection, as well as for the identification of those third-country nationals/stateless persons who are genuinely in need of international protection

and the content of that protection¹.

With regard to access to the asylum procedure, Member States shall ensure that the official registration of an asylum application must take place in a specific period of time, including in cases where simultaneous applications for international protection by a large number of third-country nationals or stateless persons make it very difficult in practice to respect the foreseen time limit.²

This being said, the Commission has raised similar concerns with the Greek authorities on several occasions, both at a political and operational level. In order for the Greek Asylum Service to address effectively the increased needs for registering applications for international protection in a more speedy and effective manner, the Commission has therefore provided significant financial assistance to Greece in emergency funding under the Asylum, Migration and Integration Fund (AMIF) to, inter alia, strengthen the registration and asylum process with additional human resources, better IT infrastructure, an increased availability of interpretation and better access to information. At operational level the European Asylum Support Office (EASO) has deployed personnel and teams of Member States' experts to also assist the Greek Asylum Service in this task.

On 8 June 2016 a mass pre-registration exercise was launched. This action aimed at pre-registering applications for international protection of around 49,000 people residing in mainland temporary accommodation sites, offering at the same time the possibility to third country nationals to request international protection in the country or be unified with other family members under the Dublin rules or be relocated to another EU Member State. The UN Refugee Agency (UNHCR) and EASO provided important operational support in its implementation. The exercise was finalised on 30 July. As a result 27,992 people on the mainland were pre-registered as asylum applicants acquiring access to certain rights, such as the right to remain on the territory, access to health care, access to education etc³. The full registration of these cases was to be completed by the end of February 2017.⁴

According to publically available information, the Greek Asylum Service registered 51,091 asylum applications in 2016.⁵ In January 2017 6,346 asylum applications were lodged.⁶

Conclusion

The Commission will continue to monitor the situation in Greece and follow all developments with regard to the progress achieved in the asylum area in particular.

¹ See, respectively, the recast Directive 2013/32/EU of 26 June 2013 on common procedures for granting and withdrawing international protection ("APD") and the recast Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted ("QD").

² Article 6 of the APD.

³ http://asylo.gov.gr/en/wp-content/uploads/2016/08/Preregistration-data_template_5_EN_EXTERNAL.pdf.

⁴ <http://asylo.gov.gr/en/?p=1974>.

⁵ <http://asylo.gov.gr/en/wp-content/uploads/2017/01/Press-Release-17.1.2017.pdf>.

⁶ http://asylo.gov.gr/en/wp-content/uploads/2017/02/Greek_Asylum_Service_Statistical_Data_EN.pdf.

4. REV I Commission reply, received on 13 August 2018

In addition to the information submitted on occasion of the first observations made on this petition, the Commission would like to recall that in 2016 it has addressed four Recommendations to Greece on measures that the country should implement in order to improve its asylum system, so as to allow for the resumption of transfers to Greece under the Dublin Regulation after the 2011 ECHR *M.S.S v Belgium and Greece* judgment¹.

In the first three Recommendations, Greece has made improvements to its legislative framework to ensure that the new legal provisions of the recast Asylum Procedures Directive 2013/32/EU and some of the recast Reception Conditions Directive 2013/33/EU have been transposed into the national legislation. A new law (Law 4375/2016) was adopted by the Greek Parliament on 3 April 2016. On 22 June 2016, the Parliament approved an amendment to Law 4375/2016 which, *inter alia*, modified the composition of the Appeals Committees and the right of asylum seekers to an oral hearing before them. Based on the progress achieved by Greece in implementing its recommendations, the Commission recommended on 8 December 2016 the resumption of transfers of asylum applicants to Greece under Regulation 604/2013 under specified conditions².

The Commission has provided substantial funding to Greece to support the country in its efforts to bring its asylum management system up to EU standards. To mention only the migration-related EU funds, Greece was allocated EUR 561 million under the AMIF National Programming 2014-2020, and EUR 393 million under Emergency Funding (EMAS)³.

Updated and detailed information about access to the asylum procedure in Greece was published in March 2018 by AIDA in its latest country report on Greece⁴.

Article 6(1) PD 104/2012, as modified by L 4375/2016, provides for 12 Regional Asylum Offices. At the end of 2017, the Asylum Service operated in 22 locations throughout the country, compared to 17 locations at the end of 2016.

Part III of L 4375/2016, as modified by L 4399/2016, transposes the provisions of Article 6 of the recast Asylum Procedures Directive relating to access to the asylum procedure. Applications for international protection are received and registered by the Regional Asylum Offices (RAO) and Asylum Units (AAU) and Mobile Asylum Units, depending on their local jurisdiction. The Asylum Service shall as soon as possible proceed to the “full registration” of the asylum application, following which an application is considered to be lodged. Where full registration is not possible, following a decision of the Director of the Asylum Service, the Asylum Service may conduct a “basic registration” within 3 working days, and then proceed to the full registration as soon as possible and by way of priority.

¹ The Recommendations were issued on 10 February 2016, 15 June 2016, 28 September 2016 and 8 December 2018. See https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation_on_the_resumption_of_transfers_to_greece_en.pdf

² See points 9 and 10 of the Fourth Recommendation.

³ See https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180404-managing-migration-eu-financial-support-to-greece_en.pdf.

⁴ The Asylum Information Database (AIDA) is a database managed by the European Council on Refugees and Exiles (ECRE). See the latest Report on Greece, of March 2018, at <http://www.asylumineurope.org/reports/country/greece>.

According to the Greek law, if the application is submitted before a non-competent authority, that authority is obliged to promptly notify the competent receiving authority and to refer the applicant thereto. However, in practice, in order for an asylum application to be properly lodged, the applicant should lodge an application in person before the Asylum Service. For third-country nationals willing to apply for asylum while in detention or under reception and identification procedures, the detention authority or RIS registers the intention of the person on an electronic network connected with the Asylum Service, no later than within 6 working days. In order for the application to be fully registered, the detainee is transferred to the competent RAO or AU.

The time limits of 3 or 6 working days respectively for the basic registration of the application may be extended to 10 working days in cases where a large number of applications are submitted simultaneously and render registration particularly difficult.

No time limit is set by law for lodging an asylum application. However, Article 42 L 4375/2016, which transposes Article 13 of the recast Asylum Procedures Directive that refers to applicants' obligations, foresees in paragraph 1a that applicants are required to appear before competent authorities in person, without delay, in order to submit their application for international protection. Applications must be submitted in person, except under force majeure conditions.

For those languages for which a Skype line is available, an appointment through Skype should be fixed before the person in question can present him or herself before the Asylum Service in order to lodge an application.

These amendments should allow access to the asylum procedure in accordance with the Directive 2013/32.

The Commission is not aware of difficulties of obtaining such an appointment via Skype call for 2017. The Commission will ask the Greek authorities for information on the difficulties described by the petitioner.

The Greek Asylum Service has registered 58,661 asylum applications in 2017. Syrians continued to be the largest group of applicants, with 16,396 applications, and there has been a substantial increase in applications from Turkish nationals (1,827 in 2017, compared to 189 in 2016).

5. Commission reply (REV II), received on 6 May 2019

In addition to the information submitted in its first and second observations made on this petition, the Commission would like to provide the updates below.

Article 6 of the Asylum Procedures Directive¹ establishes that applications for international protection shall be registered within a maximum of three working days from the time when

¹ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, *OJ L 180*, 29.6.2013.

the applicant expresses the intention to apply for protection. This deadline can be extended to six working days where the registration is done by authorities other than those competent in the area of asylum, and to a maximum of ten working days when the Member State is confronted with a large number of simultaneous arrivals and applications for protection. Once an application has been registered, Member States have an obligation to ensure that the application can be lodged as soon as possible. Member States had the obligation to transpose these provisions into national law by 20 July 2015.

In Greece, Article 6 of the Asylum Procedures Directive was transposed in Part III of L 4375/2016, as modified by L 4399/2016. According to these provisions of Greek law, applications for international protection are registered and received by the Greek Asylum Service and its Regional Asylum Offices (RAO), Asylum Units (AAU) or Mobile Asylum Units. The law establishes that the Asylum Service shall proceed as soon as possible with the “full registration” of the asylum application. Where full registration “as soon as possible” is not feasible, the Asylum Service may conduct a “pre-registration” within three working days, and then proceed to full registration as soon as possible.

Article 42 L 4375/2016, which transposes Article 13 of the recast Asylum Procedures Directive, foresees in paragraph 1a that applicants are required to appear before competent authorities in person, without delay, in order to submit their application for international protection. Applications must therefore be submitted in person, except where this is not possible due to *force majeure* conditions.

Greece established in 2014 a system of pre-registration for an appointment with the Asylum Office on the mainland via Skype calls. For those languages for which a Skype line is available, an appointment through Skype should be fixed before the person in question can present him or herself before the Asylum Service in order to lodge the application.

According to the Asylum Information Database (AIDA) Report on Greece of March 2018¹, delays in and obstacles to effective access to the asylum procedure remain a feature of the Greek asylum system, despite the introduction and the relative improvement of the Skype system for pre-registration. With a significant increase in the number of arrivals by land as well as in the number of cases referred from the islands to the regular procedure on the mainland in 2018, the Greek Asylum Service is facing significant challenges in coping with a growing backlog of cases.

In view of enhancing the capacity of the Greek Asylum Service, an amendment was introduced in the relevant legal framework. More specifically, article 2, par.5 of L 4375/2016 now allows for the establishment of working groups by a Decision of the Director of the Greek Asylum Service. These working groups can operate outside working hours, as well as within the area of responsibility of the Regional Asylum Offices or Units, in view of

¹ The Asylum Information Database (AIDA) is a database managed by the European Council on Refugees and Exiles (ECRE). See the latest Report on Greece, of March 2018, at <http://www.asylumineurope.org/reports/country/greece>.

increasing the number of asylum decisions and supporting the administrative work of the Service. Such administrative work is deemed to be the registration of the asylum claims. Reportedly, two working groups have already been established, dealing with registration of asylum claims and granting of residence permits to beneficiaries of international protection.

Conclusion

The Commission maintains a continuous dialogue with the Greek authorities with a view to helping them to manage the challenges they face in coping with large numbers of asylum-seekers, and supports them in addressing the various shortcomings of the Greek asylum system. The issue of access to the Skype pre-registration system and delayed access to registration is also being addressed in this context. It should be noted that the European Asylum Support Office (EASO) is currently providing extensive operational support to the Greek Asylum Service, including via the running of two pilot assistance projects, one in Lesbos and one in Thessaloniki, to assist the Greek Asylum Service with the regular procedure.