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MISSION REPORT

following the LIBE Mission to Greece hotspots and Athens, 22 – 25 May 2017

Committee on Civil Liberties, Justice and Home Affairs

Members of the mission:

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I. Background and objective of the mission

The Committee on Civil Liberties, Justice and Home Affairs (LIBE) decided to include this mission to Greece in its planning of missions for the first semester of 2017. The main purpose was to deepen the Members' understanding of the functioning of the hotspots notably in view of the EU-Turkey Statement and the interplay between EU and national actors in different aspects of dealing with large numbers of irregular arrivals of third country nationals. Insight from the ground should also feed into LIBE's legislative work on the current reform of the Common European Asylum System.

The delegation visit was designed as a fact-finding mission to explore the situation on the ground regarding the implementation of asylum and migration policies. The programme included therefore visits of different reception facilities (camps, shelters, apartments and houses) as well as hotspots and pre-removal centres. During the visit, the delegation met with representatives of the Greek authorities, European and international organisations, including the European Commission, relevant EU agencies and the UNHCR, as well as non-governmental organisations and asylum seekers. Related topics include reception conditions and the functioning of asylum procedures, including Dublin procedures, relocation and the situation of vulnerable persons notably unaccompanied minors.

The Policy Department for Citizens' Rights and Constitutional Affairs prepared a background study for the mission¹.

II. Briefing Meeting on 11 May 2016

A preparatory meeting preceded the delegation visit which took place in Brussels with two visio-conference connections, respectively, with the Structural Reform Support Service (SRSS) and UNHCR offices in Athens.

From Athens, Ioannis HADJIYIANNIS from the SRSS laid out the EU support provided to Greece in terms of managing asylum procedures, notably through EASO experts, reception conditions and returns. He stressed the efforts made, including through available EU funding, and that coordinated efforts with agencies, NGOs and IGOs to support Greek authorities are ensured through regular coordination meetings. He also mentioned Mr Verwey's availability, in principle, to meet with the delegation in Athens.

Ann MAYMANN and Giovanni LEPRI, both Assistant Representatives, and Kalliopi STEFANAKI, Protection officer from the UNHCR Office in Greece mentioned that, according to their estimates, 45,000 asylum seekers, or perhaps less, were present in Greece, with some 11,000 being on the islands. 49 persons per day crossed the borders, Syrians being still the first nationality, followed by Pakistanis, and people from Maghreb. Given also the pace of relocation and further the increase of assisted voluntary returns by the IOM and the returns under the EU-Turkey statement, the situation is more and more manageable in the mainland. A government plan foresees the creation of 30,000 places in apartments for asylum seekers on the basis of the

¹ "International Protection in Greece". Background document for the LIBE Committee delegation to Greece, 22-25 May 2017. PE 583145. In [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583145/IPOL_STU\(2017\)583145_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583145/IPOL_STU(2017)583145_EN.pdf)

UNHCR's experience. Currently 20,000 places from the UNHCR scheme were created in cooperation working with different partner NGOs and municipalities. More municipalities should be convinced to join the apartments scheme. Gradually some of the sites, e.g. in the north of the country, are being closed and people transferred to apartments. 21 camps would not be necessary by the end 2018, but, apart from moving people to apartments, basic services also need to be available in order to pave the way for integration.

Those falling under the EU-Turkey statement have to go through an admissibility procedure, now also covering those with high recognition rate, e.g., Iraqis and Afghans, while an examination on the merits is applied to those with less than 25 percent recognition rate. It was mentioned that 2,080 unaccompanied minors are present in the country while only about 1,000 places are available. It is necessary to establish best interests determination procedures. UNHCR stressed the importance of EASO's support to Greek authorities, to assist the Greek asylum service, the staff of which has tripled. Similar efforts were carried out by the reception service, which hired 140 more staff in order to manage all the relevant facilities. They finally highlighted the slow pace of family reunification under Dublin, which means that family reunification on average takes at least one year.

Eleni KOUTSOURAKI, from the Legal unit of the Greek Council for Refugees (GCR¹), explained some main issues identified by her organisation in relation to access to asylum procedures, examination of asylum applications, reception conditions and the use of detention. Ms Koutstouraki raised concerns (notably supported by relevant observations from Council of Europe (CoE) bodies) about applying the concept of "safe third country" to Turkey. She also criticised the very short (at least in legal terms) deadline (14 days) for completing the fast-track border procedure, the very short time allowed to applicants to get legal advice on appeals (amounting to one day), the lack of state-funded legal aid, notably at first instance, and the curtailment of lawyers' presence during the interview, since requests for postponements of appeals examinations are customarily rejected. She also mentioned that, under the new composition of Appeals' Committees, and contrary to the decisions under the previous composition, all 21 decisions issued by the time of the visit found Turkey to be safe. She also mentioned that the total recognition rate of 0.4 percent during the first six months of operation of the Appeals' Committees was a reason for concern. She conceded, however, that the Council of State rejected the claim that the composition of the Committees was anti-constitutional. She further mentioned that the National centre for social solidarity was unable to respond to most housing demands and that minors were detained in great numbers in closed facilities or even police stations. She finally noted a more general increase of detention notably on the islands, as well as an increase in assisted voluntary returns.

III. Overview of situation of refugees in Greece, the legal and de facto treatment of refugees in Greece and the cooperation between Greece, the EU and Turkey in the context of migration management²

Some figures

At the time of the LIBE visit, 62,200 refugees and migrants were present in Greece, according to the government-reported figures, of whom around 14,000 on the Eastern Aegean islands and

¹ GCR is responsible for the report on Greece on the AIDA database:

<http://www.asylumineurope.org/reports/country/greece>

² Information presented in this report is based on developments until the time of the mission.

around 48,200 on mainland Greece. The large majority have applied for asylum in the country notably in the aftermath of the EU-Turkey statement. There have been 51,092 applications for international protection lodged before the Greek Asylum Service in 2016 and about 20,000 in the first quarter of 2017.

Legislative and institutional developments in 2016/2017

In April 2016 Law 4375/2016 reshaped the international protection structures in the country and transposed into national law the recast Asylum Procedures Directive. The law introduced a fast-track procedure in the case of high number of arrivals in the context of the border procedure. It also led to the application, for the first time in Greece, of the concepts of ‘safe third country’ and of ‘first country of asylum’.

This fast-track border procedure applies to arrivals after 20 March 2016 (with the exception of persons belonging to vulnerable groups), following the EU-Turkey Statement, and takes place in the Reception and Identification Centres (RIC) of Lesbos, Chios, Samos, Leros and Kos where the hotspots are located. The law further allowed for registration and interviews to be conducted by EASO staff, while the entire procedure at first and second instance had to be completed within 14 days. The procedure predominantly took the form of an admissibility procedure to examine whether applications may be rejected on the ground that Turkey is a “safe third country” or a “first country of asylum”. The admissibility procedure started being applied to Syrian nationals in April 2016 and, since the beginning of 2017, to other nationalities with a recognition rate for international protection above 25% (such as Afghans, Iraqis), while applicants who are nationals of countries with a low recognition rate for international protection go through an accelerated eligibility procedure.

Law 4375/2016 also established, within the Ministry of Migration Policy, a General Secretariat for Reception including the renamed Reception and Identification Service (RIS), competent for the reception and identification of third-country nationals entering irregularly into Greece. Law 4375/2016 also integrated into Greek legislation certain elements of the recast reception conditions directive related to the right to work of applicants for international protection¹.

In June 2016, Law 4399/2016 amended the composition of the members of the second-instance asylum adjudication organs, the Appeals’ Committees. The new Independent Appeals’ Committees include two administrative judges indicated by the General Commissioner for Administrative Courts and one member indicated by the UNHCR. An application lodged by Greek NGOs before the Council of State to annul the ministerial decision on the new composition of the Appeals’ Committees under law 4399/2016 and the relevant internal rules of procedure of the Committees on the grounds of unconstitutionality was rejected in substance in May 2017.

In October 2016, the Ministry for Migration Policy became a fully-fledged Ministry (it was previously part of the Ministry of Interior).

19 asylum offices are now operating around Greece since January 2017, holding around 1,000 interviews per week, delivering first instance decisions within 5 months on average from the moment of application. Two thirds of the Asylum Service budget comes from AMIF. EASO

¹ A draft law transposing the recast reception conditions directive into Greek law is currently in preparation but was not yet submitted to Parliament at the time of the delegation.

also provides support, notably through expert deployment, including interpreters.

The situation of unaccompanied minors

About 2,000 unaccompanied minors are currently present in Greece; Minister Mouzalas told the delegation that a corresponding number of places in adequate structures would be created by September 2017 (according to the Minister there are currently some 750 such places available). The delegation met with unaccompanied minors whose asylum applications were pending, some awaiting family reunification or relocation.

Concerns were raised throughout the delegation notably by NGOs dealing with minors as to the lack of an adequate and efficient guardianship legal framework. The delegation also heard that a draft law on the reform of the guardianship system for unaccompanied minors would soon be tabled before the Greek Parliament, to allow for the prompt appointment of individual guardians to all unaccompanied children and to provide for a national registry of independent and qualified guardians that could be locally appointed by prosecutors. Meanwhile, the public prosecutor remains formally the minors' guardian but given the sheer number of unaccompanied minors, public prosecutors have little effective oversight over the minors' best interests. There is also very limited use, for the time being, of foster family care for minors. Still, on Kos and Lesvos the delegation could observe recourse to a form of limited guardianship through an informal network of guardians provided by NGOs.

In February 2016, an age assessment procedure was introduced for persons seeking international protection, providing for detailed medical and psychological examinations regarding age assessment based on the presumption of minority. However, it does not seem to be systematically applied on the ground, and issues were raised about the adequacy of the current framework and the length of the relevant procedures. The presence of persons claiming to be unaccompanied minors was also observed in the pre-return centre of Kos.

The situation in the hotspots

Greece set up hotspots on five Eastern Aegean islands: Lesvos, Chios, Samos, Leros and Kos. Persons who arrive from Turkey to the Eastern Aegean islands after the EU-Turkey Statement, with the exception of Dublin reunification cases and the vulnerable, have to lodge their asylum applications on the islands, being obliged to remain there under the so-called 'geographical restriction'. Standard operating procedures (SOPs) are not yet adopted, although the delegation heard from the Minister that they are being under preparation. EU agencies, notably Frontex-EBCG and EASO were present in both hotspots, providing support according to their respective mandates.

Both hotspots visited by the LIBE delegation (Lesvos and Kos) seemed to be running smoothly as far as registration and identification procedures would go, as well as provision of food, water and shelter, although several complaints were heard about the poor quality of offered meals. Different categories of persons were also hosted in separate areas of the two hotspots. The delegation could observe an improvement in the conditions in Moria compared to the situation last year. Main concerns rose, however, in the context of the EU-Turkey statement, on the pace of the asylum procedures, notably due to the freezing of appeals awaiting the Council of State

judgment, as well as the very slow family reunification procedures. This means that several thousands of people, including families and children, have to stay for protracted periods on the islands in structures which are inappropriate for that purpose, also experiencing mental health issues. Stay on the islands would mean that rights of access to the labour market, health care or education are also compromised, inter alia, due to the deep budgetary cuts that Greece is currently implementing.

The delegation noted that several services, including those related to legal assistance, child protection services as well as health services, are offered by UNHCR and NGOs. MEPs heard with attention concerns raised about the imminent interruption of funding by DG ECHO on the islands, its potential effects in terms of planning and continuity of services on the ground and the need for stable financing solutions.

Legal aid

Issues were raised notably by NGOs regarding the availability of legal aid, more particularly at first instance, and the efficiency of the legal advice provided within the very strict timeframe for consulting a file in case of filing an appeal. As of yet, no free legal aid was provided by the Greek authorities, but this task was commissioned to the UNHCR, which provided legal aid at the appeal level through NGO partners. The situation is different at first instance, where gaps on legal advice, due to the absence of legal aid were identified, although there are ad hoc NGO projects running on the islands aiming to fill these gaps. In September 2016, Ministerial Decision 12205/2016 determined the provision of free legal aid in appeals procedures, in implementation of the relevant provision in Law 4375/2016. The Decision provided that the Asylum Service should establish and manage a registry with accredited lawyers who would be remunerated with a fixed fee of €80 per appeal, and funding would come from AMIF. The Asylum Service opened a call for expression of interest for lawyers to register with the above mentioned registry, the deadline of which was prolonged. The delegation heard that there was low interest expressed by lawyers so far, also because of the level of fees fixed per case.

The situation in the different types of accommodation visited (on islands/mainland)

The delegation visited two camps (Schisto and Skaramagas), run by Greek authorities on the mainland, where rubble halls had been replaced by containers, and constant improvements were made (i.e., air-conditioning in each unit, showers, planned installation of individual kitchens). Care was taken to keep vulnerable populations, such as unaccompanied minors, separate from other, with dedicated areas. The same situation was observed on the islands, both with formal (Pily in Kos, Moria in Lesbos) and informal (Kara Tepe) camps. However, in formal reception camps the development of pre-removal areas raises concern, starting with issues of dignity, access to legal assistance to legal assistance and capacity. Outside the camps, apartment programmes are being developed, as the delegation could see on the islands. They are run by the UNHCR with partner NGOs, primarily to host families and vulnerable people. Serious concerns were expressed at the time of the visit, with the foreseen withdrawal of DG ECHO funds and the increase in number of people to be accommodated due to the slow process for relocation and family reunification.

Dublin and relocation procedures

Greece is, together with Italy, directly affected by the Council decisions on relocation (persons who arrived in Greece after the entry into force of the EU-Turkey Statement on the islands are excluded from relocation). As of 5 May 2017, the total number of persons relocated from Greece was 12.646 (19% of the total number of 66.400 provided for Greece in the relocation Decisions). It was reported to the delegation that the average duration of completing a relocation procedure is very slow, lasting approximately a year (9 months until a decision is delivered). Relocation of unaccompanied children is particularly problematic.

Family reunification is also working very slowly, and the delegation heard about Member States' slowing down such procedures in different ways, for example through protracted security checks. Due to the constant delays people, especially those with relocation and family reunification decisions, get in despair awaiting news.

Returns

Since the adoption of the EU-Turkey Statement there have been 1,798 returns to Turkey according to Commission figures (1,210 under the statement and 588 under the Greece-Turkey bilateral protocol). Frontex provides relevant support for returns, while the IOM is running the assisted voluntary return scheme. Assisted voluntary returns were reported to be on the rise. Persons to be returned are detained in the pre-return centres adjacent to the hotspots, both in Kos (Pyli) and Lesbos (Moria). Issues were raised as to the detention of persons in those centres who have only received a first instance negative decision, as well as the separation of different categories of detainees, lack of possibility for detainees to communicate with their families and the protracted stay in pre-removal centres. Monitoring of returns is a responsibility of the Greek Ombudsman. The delegation heard of two cases currently under investigation where returns were carried out without proper return decisions, but for other cases, the Greek authorities assured the delegation that nobody had been returned to Turkey unfairly.

Education of refugee children

In Greece, school is compulsory for children between 5 and 15. A specific programme aiming at securing a place for each child in schools on the mainland was initiated in March 2016 following the EU -Turkey Statement. A working group for refugee education was set up within a month at the Ministry of Education in August 2016. A special curriculum was designed for refugee children. After one year all 3,000 children residing in 33 refugee camps throughout the country have been integrated in schools. However, the working group was not empowered to integrate in formal education refugee children living outside the camps, in other types of accommodation, nor children living on the islands. The aim of the Greek authorities is to include all children in formal education next year, including those on the islands (the working group did not consider appropriate to create special schools in the hotspots). Challenges include issues of financial and human capacity in times of austerity, access to schools, notably in case of remote camps, the need to reach out to Greek parents notably in underprivileged areas where schools are often located and who might sometimes see refugee children as privileged, compared to Greek schoolchildren (getting free transportation, free food), cultural issues related to girls' access to school or to the utility of education in what refugee parents see as a transit country, diversity of educational backgrounds (including cases of illiteracy). Children on the

islands, as the delegation could observe, were in very few cases accepted in formal education, and could only benefit from NGO educational initiatives, including Iliaktida's informal school in Lesbos. The delegation could observe, in general, the children's and families' enthusiasm about education and the importance of education in their personal development and further integration.

III. Summary of the meetings and visits

The EP delegation received strong support from the Greek authorities to facilitate its whereabouts between the mainland and the islands. However, it should be noted that the initial choice of MEPs to visit the hotspot on Samos had to be abandoned upon request from the Greek authorities due to ongoing construction works on the island, same as for the request to visit the Chios hotspot. Moreover, it did not prove possible to go to the informal camp of Helleniko close to Athens, as the delegation was informed during the weekend preceding the delegation that security issues in the camp due to its announced evacuation a few days before the delegation arrived in Greece would not allow the realisation of the relevant visit.

22 May 2017 – Athens

1. Visit of reception facilities (the delegation was split in two groups visiting respectively the camps of Skaramagas and Schisto¹)

Participants:

- **Group 1 (Skaramagas):** Péter NIEDERMÜLLER, Pál CSÁKY, Jeroen LENAERS, Elly SCHLEIN, Miltiadis KYRKOS, Cecilia WIKSTRÖM, Eleni THEOCHAROUS (DEVE Member)

In the Skaramagas camp, the delegation was welcomed and briefed by a representative of the Hellenic Navy, which manages the site. Skaramagas is an open facility consisting of containers, which is in function for about a year now. For security reasons residents are provided with a special card which allows them entry to the site. The barbed wire surrounding the facility dates from the time this facility was a military site. Skaramagas is the largest reception facility in Greece with 3,300 people currently hosted in its premises (exceeding the official capacity of 3,200). Syrians, Iraqis and Afghanis represent the vast majority. Among the residents, there are 40 unaccompanied minors (exclusively boys). The atmosphere has been lately very calm. Average stay in this camp varies from 8 months to 1 year, depending also on duration of the relocation procedure for those eligible. During the one-year period of its operation, 2,000 applicants have been relocated or reunited with family members in other Member States so far. Member States seem to have slowed down lately the relocation process. Most residents in the camp wish to go to Germany and Norway. 1,200 children are present in the Skaramagas camp while 150 of these children are currently enrolled in a Greek public school, mostly coming from families who have decided to stay in Greece. During the first year, they are separated from the rest of the schoolchildren (following afternoon classes), so they can catch up with the language

¹ A third group was, according to the programme, set to visit the camp of Elliniko, but due to security considerations in view of the upcoming evacuation of that camp, Greek authorities informed the delegation that this visit had to be cancelled, and Members visiting Elliniko had to be re-distributed to the groups visiting Schisto and Skaramagas.

and fully integrate the Greek education system in the next year. For children whose families have applied for relocation, educational activities are rather taking place in the camp in community-run schools.

The delegation then visited the primary health care centre managed by the Spanish Red Cross. This centre (housed in containers) is open from 9am to 5pm daily. There is an average of 80 to 90 visits per day. 30 people work for the Red Cross, including doctors, nurses, gynecologists, dentists, midwives, pediatricians, social workers and one psychologist. The NGO Babel, present in Skaramagas, provides also psychological care for children while an urban day care centre with several specialists is run by Medecins Sans Frontieres in Athens. A high percentage of residents in Skaramagas suffer from psychological disorders. When a specific care or treatment cannot be provided on-site, the patients are referred to a hospital in Athens, among which some cases needing an organ transplantation. The transport and the interpreter costs are covered by the Red Cross.

The delegation was then invited to visit the rest of the camp, in particular the recreational activities facilities (community centre, gymnasium, greenhouse, etc.) where different NGOs provide support from Monday to Friday (9am-5pm). Different kinds of activities are proposed there for children, adolescents, men and women, such as handicraft workshops, music lessons, language courses (English, German and Greek), sports (cricket, football, ping-pong and athletics), gardening, sewing and IT courses in a computer centre. There is also outdoor exercise equipment.

- Group 2 (Schisto): Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Tanja FAJON, Kostas CHRYSOGONOS

Schisto, like Skaramagas, is an open reception facility. A former army camp revamped in 7 days by the army, it was opened in February 2016 and receives European funding through AMIF and ECHO. The manager of the facility (staff of the First Reception Service) welcomed and briefed the delegation, along with a Greek Army officer, since the army is taking care of the infrastructure (while Greek Navy is responsible for food provision through a catering company, and Air Force for health, which includes running the health centre and ensuring food quality controls). Every resident is given a special ID with a code number, which is used for the distribution of food and of some basic, notably hygiene, products. The main countries of origin represented in the camp are Afghanistan (80% of the residents are currently Afghans, 790 of which 35 originate from Iran), Iran, Syria and Egypt.). At the beginning the infrastructure consisted of 350 smaller tents, 3 large tents (rubhalls) and 2 buildings, with a total capacity of 2,000 people. Tents were subsequently (end of December 2016) replaced by containers with UNHCR assistance, with a total current capacity of 1,400. Containers have a bathroom, shower, two rooms, hot water and air-conditioning. There are currently 150 containers in the camp, of which 6 will become part of a safe zone destined to host 30 unaccompanied minors (5 containers housing 6 minors each, and 1 container for the supervising team, notably the social worker and psychologist). Each container hosts 4 to 6 people, and the selection of inhabitants takes into account different factors and is carried out with the aid of UNHCR, a cultural mediator and social workers. The future plan is to transform some of the old army buildings into apartments, of which one for people with mobility problems. Greek police is responsible for the security, while UNHCR and a handful of NGOs are present on the site.

Several activities are organised for children and adolescents, there is a gym for adults (different

schedule for men and women), volley ball and football field, as well as an informal on-site “school” with 6 grades complementing formal education (offering courses in Greek and English language, math, geography), worship area with different prayer times for Sunnis and Shias, separate tea rooms for men and women, while a library would be running soon with books in Farsi and English. The clothes distributed come from donations, while a laundry room is available. Food is served 3 times a day (catering company commissioned by the Navy offering 4 different menus, which were also adapted following comments by community leaders), and there is also a cash assistance programme through which they receive money, but there is no common kitchen which would allow people to cook for themselves. A project initially run by the UNHCR and now by the Danish Refugee Council will soon allow to attach a kitchen to each container. Starting from June food distribution will end, and a full cash programme will start running, so that residents can start managing their own budget and meals.

The majority of the inhabitants are families, so the facility is rather calm. Single mothers are sometimes housed together, while there is an area called “mother and children” where mothers who have given birth recently or about to can get advice by a social worker as well as a legal adviser. There are 143 families and 10 single parent families, with more than 400 children, and 55 single men. 110 children attend public school outside the camp (aside the informal on-site school), while some adults also attend university, such as the Athens School of Fine Arts. As to their ultimate destination, some wish to stay in Greece, others have decided to go back and others to join family elsewhere in the EU. Legal advice on asylum claims through the UNHCR as well as referrals to external legal advisers (e.g. Greek Council for Refugees, or independent lawyers), if needed - external advice is also sought on civil matters, e.g. marriage, divorce. The health centre used to run on a 24h basis with a doctor and nurse but is now reduced to normal working hours (7 days a week) while a gynecologist and pediatrician from NGO Doctors of the World come twice a week. Patients may also be further referred to hospitals or other specialists.

As to the length of stay, 400 have been present since the camp was opened more than a year ago. Altogether, 3,500 people, all of them asylum seekers, have been hosted in Schisto since the beginning of its operation. People identified as vulnerable have been moved to apartments, or in the case of UAMs, to specific shelters. Asylum seekers’ documents allowing them to stay in Greece are renewed if they expire while they wait for their applications to be examined. The NGO Metadrasí provides interpretation for the purpose of the asylum application, while all NGOs present on-site are required to have interpreters.

The delegation also had an exchange with camp residents who explained their stories, most of them waiting to unite with their family in different Member States, and explaining why they had to flee Afghanistan, as well as their everyday life in the camp, which improved a lot with the container installation.

2. Meeting with NGOs of the Asylum Campaign and UNHCR

Participants: Péter NIEDERMÜLLER, Pál CSÁKY, Jeroen LENAERS, Elly SCHLEIN, Miltiadis KYRKOS, Cecilia WIKSTRÖM, Eleni THEOCHAROUS (DEVE Member), Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Tanja FAJON, Kostas CHRYSOGONOS

The representative of AITIMA, the NGO currently doing the coordination of the Asylum

Campaign expressed on behalf of the NGOs participating in that platform their deep concerns about the respect of fundamental rights of asylum seekers in Greece, notably in view of the EU-Turkey Statement, more particularly the situation on the islands. Thousands of people are forced to remain there, instead of being transferred to the mainland, while a very slow and problematic procedure applies. Among other issues, EASO has taken a very significant role in the asylum procedure, raising concerns about its own competence and overstepping the powers provided in the EASO Regulation. Following the Commission Joint Action Plan, vulnerable persons would also be returned under the EU-Turkey Statement although they were exempted before. Further, the current situation created conditions for the rise of racism, due to people being stranded in Greece. Meanwhile, the situation in Turkey has deteriorated, while the application of the European Convention on Human Rights is suspended. International law should prevail over the EU-Turkey statement and asylum seekers should be brought to the mainland in open and adequate reception facilities. Currently on the islands, people often see themselves in detention after a first rejection of their application.

The Greek Council for Refugees then took the floor to say that, according to the United Nations Special Rapporteur on human rights of migrants the fast-track procedure under derogation provisions in Law 4375/2016 does not provide adequate safeguards, given notably that the duration of the entire procedure at first and second instance has to be completed within 14 days. Further increase of detention capacity on the islands is being planned. The procedure at second instance before the new Appeals Committees raises special concerns. The Appeals Committees operating under the previous legislative framework had, in the vast majority of their decisions, found Turkey not to be a safe country, which led to political pressure on the Greek government for changing their composition. New committees operate since last June, and the average recognition rate of their decisions is below 1% since July 2016. For instance, Pakistanis had, with the previous committees, a recognition rate of 10%, and this has now dropped to 0.2%. The implementation of the EU-Turkey statement has a strong impact on Greek asylum procedures, including through the obligation of people arriving in its aftermath to stay on the islands. Further, the EU-Turkey statement is also a worrying signal in terms of institutional balance at EU level, notably regarding the respect of the Parliament's prerogatives.

Ecumenical Refugee Programme talked about their experience with family reunification cases, notably the very significant relevant delays making procedures last as long as 1 or even 2 years. Delays are experienced even in case of acceptance of the transfer by the destination Member State. Further, it was said that people have to cover the airline ticket themselves in many cases. For people on the islands the situation is even more dramatic, as they cannot even apply for family reunification under Dublin, but have to undergo the admissibility procedure. Due to the dire conditions in the camps, the lack of activities and the long stays, people develop serious psychological problems. Women are afforded no safety. Recently, a case of massive food poisoning occurred on Chios.

Amnesty International mentioned the individual case of a 21-year-old Syrian whose application was rejected and was put in detention for several months in a police station in Lesvos and subsequently transferred to the Moria pre-removal centre although he could not be returned as he had appealed before the Council of State and the relevant judgment is still awaited. This is the case with an increasing number of Syrian applicants, including a family of Syrians (detained in a separate family section). The dire conditions in Helleniko camp were also raised, and the fact that they were informed a few days ago as to the imminent closure of the site, without any information on where they would be transferred.

The representative of the Greek Forum of Refugees mentioned that the delegation visited probably the two best camps in Athens. He also mentioned that camps were re-vamped before the delegation visit. He said that vulnerable people, including disabled people, are suffering in camps such as Oinofyta, Elefsina or Malakasa, and access outside the camps is difficult due to their remoteness. He also mentioned, that minors and youngsters often fall prey to sexual exploitation. The apartment scheme run by the National Centre for Social Solidarity is useful but candidates need to prove they do not suffer from any psychological problems, which beats the scheme's own purpose. He mentioned also the difficult functioning of Skype to get an appointment for submitting an asylum application. Family reunifications are very slow, lasting for over a year. Integration of those thousands who have now decided to stay in Greece is a big issue. He praised the UNHCR apartment scheme, moving asylum seekers from camps to apartments, but there is also the question of recognised refugees, who, once they get status, are out of the system. He mentioned the case of a refugee currently on hunger strike, as he possesses no means to sustain himself. People in any case keep coming, now also crossing the land border with Turkey.

Members asked questions relating to the practice of detention, notably whether this is generalised, in view of current EU acquis and the interpretation of risk of absconding, the situation notably of vulnerable persons in Helleniko, the recognition rates of Afghans, as well as legal pathways, the composition of appeals committees, the delays in the asylum procedure, the UNHCR apartments project, the use of Skype for scheduling appointments, the cases permitted to leave the islands in the aftermath of the statement, the issues around the closing down of Helleniko, and the media reports about an agreement between German and Greek government to limit Dublin family reunification to 70 cases per month. Ms Wikstrom as Dublin Rapporteur explained the work of the European Parliament in this regard, which aims to alleviate the pressure from frontline Member States, including by taking out the pre-Dublin admissibility checks. As to detention, NGOs indicated that current practices on the islands emanate from the EU-Turkey statement and raise questions of incompatibility with EU acquis, as detention should be used only as a last resort. Further, the right to appeal on the islands would be compromised as a result of policy change imposing on an asylum seeker having received a negative first instance decision to choose between opting for assisted voluntary return or appealing that decision, which would mean an exclusion from IOM's assisted voluntary return programme and benefits, and thus a future return to Turkey in case of a negative decision at second instance. Afghans have an average recognition rate of 50% in Greece. As far as unaccompanied minors are concerned there is a lack of an effective guardianship system, and of a legal framework on age assessment and the determination of a child's best interests. Detention is applied in practice, while 900 minors have gone missing. Generally, there should be a concrete plan for closing camps and for integration, given also the length of people's presence in Greece. There is still no clarity about EASO's involvement in the asylum procedure, while on relocation Member States seem to be picking profiles. Family reunification cases are also now set to stay on the islands, same as the vulnerable cases, following the joint Action Plan. Some camps have improved compared to last year, but it is now too long since people have been kept in camps- this gives rise to tension, also with local population. Syrians are increasingly detained after a rejection under the admissibility procedure - we do not see massive detentions at this stage basically because most second instance procedures are now stayed awaiting the Council of State judgment. There is insufficient staff to respond to Skype requests. Closing down Helleniko is a good step, but what would happen to the 400 - 500 persons living there is uncertain. The cost mounted to 14,000 euro per refugee, which was considered very

high - catering for the camps was mentioned as an example of low value for the money spent. On family reunification, they could not confirm the existence of a German-Greek agreement, but noticed that transfers to Germany are not as quick as before. According to EU legislation, persons having been accepted should be transferred within 6 months, failing which, they would lose the right to join their family. In relation to returns to Turkey, the lack of respect for a country's own nationals' rights raises already doubts as to whether it would respect the rights of refugees. The Committee on prevention of torture of the Council of Europe has made recommendations, most of which are not implemented by the Greek State.

There are currently 13.300 people hosted under the UNHCR project in buildings, apartments and hotels, the total capacity being for 17.000 persons. UNHCR is currently in talks with DG ECHO in order to ensure the sustainability and continuation of this scheme, while access to the different public services, notably health services, is already challenging.

It was also explained that, from July 2016 onwards the Asylum Service uses the accelerated procedure to examine in substance (without going through the admissibility examination) asylum applications by specific nationalities with low recognition rate (under 25%) such as Pakistan, Bangladesh, Morocco, Algeria or Tunisia.

3. Meeting with Ms Eleni Koutroumpa, Administrative Director of the Appeals Authority

Participants: Péter NIEDERMÜLLER, Pál CSÁKY, Jeroen LENAERS, Elly SCHLEIN, Miltiadis KYRKOS, Cecilia WIKSTRÖM, Eleni THEOCHAROUS (DEVE Member), Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Tanja FAJON, Kostas CHRYSOGONOS

Ms Koutroumpa explained the composition of the Appeals Committees, consisting of two judges appointed by the General Commissioner of the Administrative Courts upon their request and one Greek citizen indicated by the UNHCR) since 21 July 2016. The composition of the Appeals Committees was challenged before the Council of State, which ruled recently that such composition does not violate the Greek Constitution. Committee members are remunerated for their work. There are 12 such committees currently in operation with headquarters in Athens dealing with appeals from all over the country.

Members asked questions related to the availability of legal aid in the appeals procedure and the relevant lawyers' fees (80 euro per case), the fairness of the proceedings, the number and length of appeals proceedings currently in progress, the changes brought by last year in the procedure, the types of cases usually appealed, the availability of interpretation and the role of EASO.

Ms Koutroumpa replied, regarding legal aid, that a register of pro bono lawyers is planned to be set up as far as both first and second level of the asylum process is concerned, but not much interest has been shown by lawyers. Currently there are UNHCR projects on legal aid - Metadrasi and GCR are active on the islands as UNHCR partners, and under the current programme of cooperation between UNHCR and the Ministry, Metadrasi also provides interpretation. She could provide no statistics on the number of decisions taken by a 2/3 majority as against those taken by unanimity. She confirmed, though, that majority is sufficient for a

decision to be taken. She mentioned that, from 21 July 2016 until 12 May 2017, there were 2,300 cases were brought from applicants present on the islands (out of which, 1,423 were completed) and 2,473 from applicants on the mainland (out of which, 1,458 were completed) - 2,000 decisions have been issued. The average time for reaching a decision at second instance is 30 to 40 days. A recent legislative amendment allowed assistant rapporteurs hired by EASO to facilitate the work of the committees, besides the legally non-binding opinions that EASO experts provide at first instance. They do not draft the decisions but only the part related to the claims of the applicants and the country of origin information - this was set up to accelerate the appeal procedures. The appeal concerns both law and fact, then administrative courts may be seized, but only to judge on legal questions.

4. Meeting with Yiannis MOUZALAS, Minister of Migration Policy

Participants: Péter NIEDERMÜLLER, Pál CSÁKY, Jeroen LENAERS, Elly SCHLEIN, Miltiadis KYRKOS, Cecilia WIKSTRÖM, Eleni THEOCHAROUS (DEVE Member), Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Tanja FAJON, Kostas CHRYSOGONOS

The Minister started his intervention by providing clarifications on the Policy Department briefing provided as a background for the delegation¹ and made also further remarks. He mentioned that Standard Operating Procedures for hotspots did not exist yet, but were planned to take effect from 1 June 2017, stressing that no detention is taking place in the hotspots. As to the overcrowding, he mentioned that populism on the islands hampered the creation of extra reception places - until the deaths in Moria occurred last winter, which marked the beginning of a change in attitude. He further mentioned that organisational issues exist given the quite recent establishment of the different governmental structures (i.e. first reception service set up in 2014, Ministry of Migration existing only since few months). He also pointed that the UNHCR apartments scheme was established in accordance with the governmental plan. Regarding the reported number of 13,000 gone missing among the migrants and refugees stranded in Greece, he clarified instead this figure was much lower (5,000 to 6,000), representing one tenth of the persons present in Greece, and this is a normal percentage in other Member States as well - there is no policy to encourage secondary movement. Currently very few persons manage to cross the border with FYROM. On the reception conditions directive, which has not yet been transposed in Greek law, he said this will be done in June. He then went on to explain the different phases since the outbreak of the migration crisis. The first phase consisted in the opening of the first camps and the focus on search and rescue, the second phase with the closure of borders, which he qualified as 'illegal' and the evacuation of Idomeni without use of violence. During that second phase there were 30,000 reception places created, but half of them were in inappropriate camps, as he conceded. Things have improved ever since, but there are still bad camps. The third phase, which is currently ongoing includes a new agreement with the European Commission for 10,000 extra places in apartments, which means that 23 out of the 44 current camps will close down, in addition to the current places. For unaccompanied minors, there were originally 300 places in Greece for Greek and non-Greek children put together, and that setting up new ones has been very slow due to the relevant international standards. There are currently 750 places, and by September 2017 there should be 2100 in total - which should cover current needs so long as no new waves of unaccompanied minors arrive suddenly. A new draft law on guardianship is also planned to be presented soon

¹ [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583145/IPOL_STU\(2017\)583145_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583145/IPOL_STU(2017)583145_EN.pdf)

to the Hellenic Parliament- Greece had no comprehensive legislation so far. Nationality should not be a criterion as far as relocation of unaccompanied minors is concerned, vulnerable persons including unaccompanied minors could, according to the joint action plan, have their applications examined under the admissibility procedure on the islands, and possibly returned to Turkey, if EASO brings elements that they are safe in Turkey. Regarding legal aid, he mentioned that an agreement was signed with Bar association(s) and that lawyers should show solidarity despite the low fees. Looking also to the future, he mentioned that both the remaining camps and the integration prospects for those present in Greece should improve, although the time horizon is not clear. The only sustainable solutions are to step up efforts to stop the war in Syria, to fight smugglers which represent an enormous business and to provide safe and legal pathways. The EU -Turkey statement also talks of resettlement but some Member States simply refuse to accept refugees.

The Minister was asked questions about how to ease pressure on a frontline Member State such as Greece under the future Dublin regime, the costs of managing the migratory flows under the Greek national budget, EU financial and other support, alternatives to the EU-Turkey statement, legal aid availability, the situation with Helleniko, the integration activities for those staying in the camps, the progress of relocation, the alleged ceiling of family reunification cases per month going from Greece to Germany, the pressure to the Greek government notably around the joint action plan, schooling of children notably on the islands, the resumption of Dublin transfers.

He mentioned that there have been no major financial shortages notably due to EU funding, although a major part of that funding was not granted to the Greek state. New arrangements by EASO have allowed for more experts to be deployed, to cover for the unwillingness of some Member States to send national experts, their number now responds to the relevant needs which should allow for a speeding up in the examination of asylum applications. He mentioned that Greece is the second country in Europe as to the number of asylum applications per unit of population. There are currently 56,000 applications which have to be examined individually according to international law, hence the delays in returns. However, there are still shortages in interpreters given the need for 1200 interpreters in 5 languages. The question as to whether Turkey is a safe third country is more problematic in cases of Afghans or Pakistanis than in the case of Syrians, appeal committees have relevant doubts. The EU- Turkey statement allows arrivals to be kept at a manageable level. Those currently living in Helleniko would be moved to a very good camp, safeguarding all their rights under the reception conditions directive, which does not provide for a choice as to where asylum seekers would like to go. On the resumption of Dublin transfers to Greece, he said that Greece could accept a token number from countries which have shared the burden of the crisis, but not, e.g. from Hungary. Relocation should continue after September 2017, the Greek government has received relevant assurances by the European Commission. Big Member States keep up their support on relocation. There are 12,500 relocation candidates present in Greece for which the Greek government has undertaken the necessary steps, still awaiting relocation. Resettlement is in any case the most sustainable solution. The Minister denied there was any pressure from the German government on family reunification, while there might be a need to consider technical difficulties. Regarding unaccompanied minors, they cannot be detained in the shelters, so some 30% decide to leave, which is not a very high figure. Regarding the quality of food, he mentioned there were only 2 cases of food poisoning (in Thessaloniki, and in Chios recently), in both cases from food distributed by NGOs. The government is now planning to sign MoUs with these NGOs who work under DG ECHO funding, so that the state can be aware and control their activities. Regarding schooling, he conceded that there is no access to formal education on the islands but,

following discussions with the Ministr of Education, there could be schools inside the hotspots next year. Finally, on Dublin IV, he said that the Commission proposal would mean that frontline Member States would have to process hundreds of thousands of applications and dismissed the admissibility procedure as suggested therein. He praised Ms Wikstrom's approach on the file, and noted that Greece is doing considerable efforts, mentioning the considerable increase in staff of the Greek Asylum Service.

23 May 2017 – Kos

5. Visit of the hotspot and pre-return centre in Kos (Pyli - the delegation was split in two groups visiting alternatively the hotspot and pre-return centre)

Participants: Péter NIEDERMÜLLER, Pál CSÁKY, Jeroen LENAERS, Elly SCHLEIN, Miltiadis KYRKOS, Cecilia WIKSTRÖM, Eleni THEOCHAROUS (DEVE Member), Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Tanja FAJON

Visit of the pre-return centre

The delegation was welcomed and guided through the pre-return centre by the Greek police. The pre-return centre was established 3 months ago with the aim to host migrants who are due to be returned at the end of the asylum procedure, i.e after a second level decision is issued. The establishment of a pre-removal center appeared as a necessity after one year from the opening of the hotspot - first reception centre in Pyli, to avoid that people abscond after issuance of the second level asylum decision. Before the establishment of the pre-return centre, a gap of 10 days would arise between the issuance of the second level decision and the intervention of the police, which is in charge of implementing the return decision.

There are some 109 people detained, in principle only men, of whom 90% come from Pakistan, but there are also some from Syria and Iraq (the delegation could, however, observe the presence of one woman in the centre at the time of the visit). The capacity of the centre is currently 150 people, but construction works are still taking place towards a total capacity of 500. The Ministry for Citizens' Protection is running the centre, and Greek police is exclusively responsible for its management including food provision. Those detained after receiving first instance negative decisions have to wait there until their second-level decision is taken - they are put in detention so as police may be able to track them down once their asylum procedure is completed. The asylum procedure starts on the island with the first instance decision, then continues in Athens at second level, if so. People might be sent back to Turkey, notably in view of the EU-Turkey statement, or they might be returned by commercial planes to their countries of origin. It was explained that there is a separate wing in the centre for those awaiting assisted voluntary return until the completion of the procedure with IOM (when they are transferred to Athens), and that people creating trouble in the hotspot are also detained there, in order to maintain public order.

Responding to questions, the representative of the Greek police mentioned that those under the assisted voluntary return scheme could have been hosted in the hotspot instead of the pre-return centre, but according to national legislation, people falling out of asylum procedure, get into the procedure of administrative deportation and have to be detained until their return. Those opting for assisted voluntary return are rather young people. There are 60 persons currently detained for voluntary return. There is legal aid available at the second instance (appeal) level,

and all applicants do appeal negative decisions. The centre has been relatively quiet so far, however a contingent of policemen from the riot squad are present. Some NGOs are accepted in the centre, notably those providing legal support. Turkish officers are also present on the island (civil servants from the Turkish Migration Agency, no police agents). Frontex provides support for the returns. Returns to Turkey are carried out by Frontex vessels going from Kos to the Turkish coast (Turgutreis) . The Greek Ombudsman is also receiving relevant information and carries out independent monitoring on returns, while a doctor is also present on the boat. Syrians are sent to Turkey by plane, also hired by Frontex. The number of people on each flight depends, there are sometimes 20 to 25 per flight. Vessels carry about 140 returnees, sometimes taking people from other islands on board.

The delegation met then with some of the detainees and heard about their concerns, notably the considerable delays in the process, which meant that they would be detained for several months, unavailability of medical care, quality of the food, lack of flexibility with eating times linked to Ramadan, lack of means to call their family, lack of certain items of personal hygiene, namely nail cutters. The representative of the Greek police committed on the spot to draw up a list of those who needed to make phone calls and follow up. Detainees confirmed that the camp does not host only people applying for the voluntary return or people who have completed procedure, but also people who are identified as ‘trouble-makers’ and sometimes have gone through detention in other areas. They indicated that the physical separation between categories of detainees was not so strict. Moreover, the delegation could see that a woman, from Algeria, was hosted in the camp while officially only men were supposed to be accommodated there. The delegation also met three young men who claimed being minors and raised a question with police authorities which stated that their age assessment procedure was still being conducted and, until its completion, they had to remain in detention.

Visit of the hotspot

The coordinator of the facility welcomed the delegation and explained that 421 persons, including unaccompanied minors, are present in the hotspot, a number which is constantly changing. Different categories of persons are separated, although a NGO reported that the unaccompanied minors’ section is not properly separated from the adults’ one. Main nationalities represented are Pakistanis, Afghans and Iranians. After a first identification by coast guards upon arrival, identification and registration takes place a bit later. Fingerprints are taken from all persons above 14, and information is given about relevant rights and obligations. People are then given a place in the hotspot. Asylum and relocation processes are the responsibility of the Greek Asylum Service. Assisted voluntary returns are run by the IOM, there are 80 such returns ongoing now, which have to be accepted by the relevant countries of origin. Activities carried out by NGOs in the hotspot include provision of legal assistance under a legal aid scheme run by UNHCR and carried out by Metadrasi, psycho-social support run by Praksis and activities related to children run by Save the Children.

The army is responsible for construction works, maintenance and providing food in the hotspot, as well as for water supply, the reparation of any damages caused by those hosted in the hotspot. Catering used to cost about 150,000 euro, now it is about 100,000 euro per month. Costs of electricity amount to around 200,000 euro per year. Laboratory tests are carried out once a month on the food, as well as on the water, including for controlling chlorination.

19 EASO experts are present on the site, of which 7 from Member States (3 German, 2 Dutch,

2 Fins), 7 interpreters and 4 interim staff (from Greece, employed by EASO), alongside 2 Greek Asylum Service caseworkers. The duration of the process until the first instance decision is 20 to 25 days on average.

6. Lunch with UNHCR, NGOs and the Greek Asylum Service Autonomous Unit in Kos (Hotel Neptune)

The following NGOs active on the island of Kos camps participated in the exchange of views with the Members:

- *Praksis*
This Greek NGO provides services for vulnerable persons and runs a shelter for unaccompanied minors in Kos.

- *Metadrasi*

This Greek NGO is present on all the islands where hotspots operate and provides legal aid, interpretation services and (informal) guardians, who are members of the guardianship network and take care of everyday needs. As far as interpretation goes, they provide interpreters all over Greece during escorts, registration and interviews for asylum, also through video-conferencing, in 33 languages and dialects, as well as training and certification for interpreters. As to their guardianship work, one guardian was present in the Kos hotspot, notably in charge of the more vulnerable children, and may act only after the authorisation of the public prosecutor, who has the formal guardianship. The NGO also runs autofinanced unaccompanied minors' shelters in Chios, Lesbos and Samos.

- *Save the Children*
This international NGO runs shelters for unaccompanied minors, is active in the hotspot (running a Child Friendly Space and organising educational activities) and is also starting a new project for vulnerable families, with children staying in the UNHCR apartments. At the time of the visit 22 unaccompanied minors (boys¹) were hosted in their shelter, but more were awaited. Their education programme includes English, Greek, and IT courses as well as possible other topics such as health, nutrition etc.
- *Samaritans' purse*
This US NGO is working on distributing hygiene and other essential items to people upon disembarkation.
- *Mercy Corps*
This US NGO has been responsible running the food cash programme since September 2016, which has now been transformed into the UNHCR cash assistance. It also provides classes for young people from 16 to 22 in English, Greek and IT.
- *Arsis*
This Greek NGO works on the UNHCR apartments scheme for vulnerable persons, which currently counts 45 apartments on Kos. They also search for clothing and other

¹ Unaccompanied girls are transferred directly to the mainland.

items from donations. It also takes care of the food debit card, which every vulnerable family receives- the food card was replaced by general cash assistance in January 2017.

- *WAHA - Women and Health Alliance International*

This French NGO provides medical support through doctors and nurses.

UNHCR's main task was to run the different projects (provision of information, legal aid, accommodation in apartments) and co-ordinate the various actors. UNHCR is also running a tool for helping refugees to integrate.

NGOs noted during the discussion, that less than a handful of relocations have taken place from the island, that asylum procedures tend to last very long, keeping thus people on the island, although the waiting time seems to get short in the last few months, there are issues with access to health care (the public hospital lacks a cardiologist or a pediatrician, while the psychiatrist has to cover also other islands), the difficulty to find interpreters, the lack of a hearing at the second instance of the asylum procedure, the issuing of first instance decisions in English, which is not an official language of the State, the questions about equal treatment of those on the islands (falling under the statement) compared to those who cross a land border. They also saw as problematic the policy change according to which vulnerable cases falling under admissibility would not be sent henceforth to the mainland. As far as minors are concerned, they pointed out lack of access to formal education, as well as the inappropriateness of the hotspot environment. On unaccompanied minors, they mentioned that age assessment procedures are not applied systematically and any mistakes in the age registered are very difficult to rectify, while relevant procedures are not very child-friendly. Concerns related to the imminent ending of the DG ECHO funding on the islands and its effects on the continuation of the different types of support were also raised.

A Syrian family living in one of the UNHCR apartments was also present in the discussion and expressed its concerns relating to the length of the asylum process, as they were currently awaiting for a decision on their appeal. They had applied for family reunification with part of the family in Germany, however it seemed that some of their documents, valid under Syrian law (kafalah), were not recognised.

The Greek Asylum Service representatives (Autonomous Unit of Kos) provided the delegation with statistics regarding the decisions rendered from the start of the functioning of the office in March 2016 until 7 May 2017, namely in total 1091. About 50% of those (539 decisions) were rejecting the asylum application (483 after an examination on the merits, and 56 after the admissibility check). The other half of the decisions concerned either Dublin cases (86 in total) or cases of vulnerable persons and families who were directed to the normal procedure (in principle having the geographical restriction lifted and transferred to the mainland, in total 384 cases), or found applications admissible (12 in total) or granted the applicants status after an examination on the merits (14 in total).

23 May 2017 – Lesbos

7. Visit of the hotspot in Lesbos (Moria)

Participants: Péter NIEDERMÜLLER, Pál CSÁKY, Jeroen LENAERS, Elly SCHLEIN, Miltiadis KYRKOS, Cecilia WIKSTRÖM, Eleni THEOCHAROUS (DEVE Member),

The delegation was welcomed by the coordinator of the facility, who carried out the pre-visit briefing, in the presence of Minister Mouzalas. He explained that 2,300 third-country nationals were present in the hotspot, of whom 50 unaccompanied minors (mostly from Algeria and Morocco) and 120 single women (many of them pregnant). 70 people were detained in the pre-return centre. Most of them were Afghans, Eritrean, Algerians and Pakistanis, and had received a negative decision on appeal. Vulnerable persons including victims of torture spend 1 month on average in the hotspot, the time necessary to find accommodation in mainland, as they are in principle exempted from the border procedure, and the geographical restriction is lifted. Apart from those cases, people might spend several months in the Moria hotspot. If the asylum service has rejected their application at first instance, they have 5 days to opt for assisted voluntary return or to submit an appeal. The Minister intervened to highlight that assisted voluntary return is not a right but a privilege and thus the obligation for applicants to choose should not be seen as a curtailment of their right to appeal. Further, according to him, appeals are often used to extend one's stay which is an abuse of the procedure. The coordinator of Moria went on to say that the majority of those now present would not qualify as refugees, but rather as economic migrants. Syrians used to constitute the majority of people arriving in Lesvos but now there are only 184 in Moria. Some people from Africa are also present in Moria, as some nationalities benefit from visa-free agreements with Turkey, and then travel irregularly from Turkey to Greece. It was clarified that detention in police stations is only meant for criminals - those who are a risk to public order can be detained in the pre-return centre. To questions related to seeing people whose appeal was still pending in the pre-return centre of Kos, the Minister replied that administrative return in Greek law is combined with detention, once an applicant falls out of the asylum procedure. Some apply for asylum while being detained in the pre-return centre in which case they are set free. The coordinator said one might try to abscond after a first negative decision is issued and that there are also cases trying to avoid the asylum process (i.e. not appearing for an interview). If found, they can be put in a pre-return centre. Questions were raised about the cases of migrants' self-harming, which the Minister saw as a means of pressure to exit the pre-return centre. Only a handful have been reported in all islands - they are brought to hospital if needed and checked individually. Answering questions on police brutality, the Minister, as well as the representative of the Greek police, stated that all reported cases are checked, and that only one complaint had been submitted so far, which proved frivolous. The Minister also added that, since a few months, special structures are being created inside or outside the camps for people with different sexual orientation. The coordinator added that parts of Moria are reserved for families, minors, single women (respectively, sections A, B and C). Following further questions, the Minister clarified that an asylum caseworker would look into whether one would qualify for either refugee or subsidiary status, and that in both cases beneficiaries would be entitled to stay 3 years. 449 returns to Turkey have taken place, mainly of Algerians and Moroccans, as well as some Syrians who have been voluntarily returned. Turkish nationals also enter Greece to seek protection, but mostly now through land borders. The Minister closed the briefing by saying that the numbers of people crossing the border last year could not be managed unless on a longer term- Greece had been hosting hundreds of thousands of legal migrants, but they had arrived over several years.

The visit then began, following approximately the path that refugees and migrants follow when they arrive in Moria. First, they are given some brief information, their affairs are checked and they are let to calm down, spending three or four days in one big tent. Beds have now been added in this first reception room, notably for the elderly and pregnant women. People also get

an ID for the camp and the asylum seeker triptych paper from Greek Asylum service which allows them to circulate on the island. They are identified and their nationality is checked by Frontex under the control of the Greek police. Frontex has officers deployed by other Member States, including interpreters. The asylum procedure is explained, notably that one will be returned to Turkey if not applying for asylum. Minors are also advised not to say they are adults (they might do so to avoid being detained). Data including fingerprints is then entered on Eurodac and checked with Interpol as well as with the Greek police database (AFIS). Only those of more than 14 years of age are fingerprinted. It was indicated that generally people do not try to avoid fingerprinting. 35 arrivals are recorded per day on average. Renovation and construction works take place during 'calmer' periods, to prepare for the future.

A part of the delegation visited also the pre-return centre located within Moria. Police officers described the situation there as quite tense, where riots had resulted in the destruction of parts of the centre. The delegation could discuss through the fence with some of the detainees, many of whom were young Algerians with apparent self-harm scars. Some of them expressed their wish to go back to Algeria, but, as they appealed their decisions, they would lose the possibility of assisted voluntary return, and instead be returned to Turkey. Two Syrians reported having been transferred from Chios a few days ago and detained without knowing the reasons, and their fear of being returned to Turkey.

The delegation also met with the community leaders of Moria and heard their individual stories, complaints and despair, notably regarding the conditions in the camp, the great length of the asylum procedure, the lack of daily activities, and the resulting mental health problems. Meetings are held on a weekly basis between those leaders and the direction of the camp.

8. Meeting with UNHCR and NGOs in Lesvos (UNHCR offices)

Participants: Péter NIEDERMÜLLER, Pál CSÁKY, Jeroen LENAERS, Elly SCHLEIN, Miltiadis KYRKOS, Cecilia WIKSTRÖM, Eleni THEOCHAROUS (DEVE Member), Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Tanja FAJON

UNHCR representative welcomed the delegation to Lesvos and the Head of the delegation Mr Niedermueller briefly presented its findings so far.

UNHCR is present in Lesvos since 2010, and has stepped up its activities in 2014. In Moria, UNHCR works on protection monitoring, provides information to people upon arrival, and coordinates an information point to respond to queries. It also runs a project on the provision of legal aid with Metadrasi (at first instance), and also with the Greek Council for Refugees.

IOM explained that they are working in three types of activities. First they provide information in Moria (via interpreters) on relevant rights, both to existing residents and new arrivals, following a MoU with the Ministry of Migration. They also run a assisted voluntary return scheme since last June. They get to contact the respective embassies, as well as Greek police and they offer a financial support of 1,000 euro, as well as reintegration programmes and material assistance upon return. For those purposes they provide legal advice, interpretation etc. They also work to offer creative activities and psychological support, notably to victims of trafficking, which is part of the IOM mandate. As to the choice imposed between an assisted voluntary return or an appeal of a negative decision, the IOM believes that anyone should have the right to enter the programme, therefore does not support the Greek government policy but

it complies with its instructions.

The following NGOs were present:

- *Iliaktida*

This local NGO deals with vulnerable persons since 2001. In 2009 it set up the first structure for unaccompanied minors. From 2016, it is a UNHCR partner, managing 400 places for vulnerable families in apartments and houses, vulnerable families and 8 shelters for unaccompanied minors. They have also extended their activities in other parts of Greece.

- *Metadrasi*

This Greek NGO is present on the island since 2012 and offers interpretation services. It cooperated with UNHCR and provides interpreters during the identification, reception and asylum procedure. It also cooperates with the local hospital. Further, it also provides legal aid during the first instance procedure. It also runs a shelter for unaccompanied minors Lesvos (25 minors) and provides guardians who are members of the guardianship network.

- *Lesvos Solidarity*

This local NGO provides shelter mainly to vulnerable persons with an emphasis on integration, since 2012, and is acting as an umbrella organisation. The PIKPA premises are used for meetings as well, trying to work out solutions and involving the local community, instead of segregating refugees. They also support other structures aiming to fight xenophobia on the island, and they organise English, Farsi and Arabic courses where both locals and refugees can attend.

- *Médecins du Monde*

This international NGO has 60 staff on the island, offering primary health care and psycho-social support, and is also in charge of distributing hygiene and other necessary items. It is also running the medical office in Moria, working together with Metadrasi regarding interpretation, and it currently examines approximately 30 people per shift. In Moria, it also assesses medical vulnerabilities, including psychiatric cases. Its contract is ending at the end of May, by which time the Greek state will undertake the relevant tasks - but there are questions as to whether it will be ready in time.

- *Save the children*

This international NGO conducts age assessment, and is also present in Moria. Among other activities, it provides support to new mums on baby care.

- *Danish refugee council*

This Danish NGO provides legal aid for the personal interview at first instance, namely gives legal advice and carries out protection monitoring (access to remedies, access to information in a language that the person can understand). It also provides support to the Kara Tepe site. DRC - legal aid and protection monitoring.

- *IRC - International Rescue Committee*

The IRC started working on 20 camps at the northern shores of islands, it has a team of psychologists, a team working with women on sexual violence and supports Metadrasi with its shelters for unaccompanied minors. It also runs water and sanitation facilities in several camps.

- *Pro Asyl*

This German NGO is running a project in Lesbos for providing legal aid, as well as combatting xenophobia.

The main points raised by the NGOs included the devastating effects on the EU-Turkey statement, which in combination with the slow pace of the asylum procedures, as well as relocation and family reunifications, leads to a protracted duration of stay on the islands, often in structures which are inappropriate for that purpose, with a resulting explosion of mental health issues in the refugee population. They also noted that the right to asylum is turned into an examination of vulnerabilities. They raised concerns related to detention, notably that the 25-day detention period after arrival in Moria, supposed to be reduced to 72 hours, is still valid, and detention of vulnerable persons has become more systematic than before (a family was currently detained in Moria). Also reported were cases of people detained in totally inappropriate conditions in the Mytilene police station. Other urgent needs included granting children access to formal education, having a functioning framework for guardianship, dealing with issues related to unaccompanied minors coming to age, improving access to essential psychiatric care (the local hospital only disposed of one psychiatrist), focusing on integration measures also by involving the local community, filling the gaps in legal aid at first instance, ensuring proper monitoring of returns, some of which were carried out without proper return decisions, and stepping up efforts for supporting victims of shipwrecks and their families. Last but not least, they raised serious concerns about the imminent interruption of funding (by DG ECHO) with relevant repercussions in terms of planning and continuity of services on the ground and the need for stable financing solutions.

Members raised questions regarding availability of interpretation in all languages, the consequences of withdrawal of the DG ECHO funding from the islands, and the replacement of NGO services in the hotspot by the Greek state, on the choice between an appeal and an assisted voluntary return, on the situation of vulnerable persons, access of children to education, the complaints of community leaders in Moria about the different services offered.

Clarifications were provided on interpretation, namely that Metadrasi is trying to cover all languages, offering the alternative of Skype conference if a language is unavailable on the ground, but the internet connection in Moria is not optimal. They also noted, regarding EU funding, that some of the DG ECHO projects will be transferred to DG HOME but some will be stopped (to be continued by the Greek state). They mentioned that 4 Syrians are also detained in Moria after a first rejection, and stressed that an appeal before the administrative courts, following a rejection at second instance, is very expensive and does not suspend detention. They also stressed the lack of any alternatives to detention in the Greek legal system. People who are not found to be vulnerable are stuck for more than a year on the island. On access to formal education, they mentioned that, despite children having been vaccinated and the positive

attitude of the local community, access to schools was not granted and the school year was lost. Preparatory classes on Greek language need to be organised for children to integrate courses. Language courses are also organised in Moria. Finally, it was stressed that it is very important that people get back a sense of control of their lives and dignity.

24 May 2017 - Lesbos

9. Briefing and visit of two unaccompanied minors' shelters and two family apartments/houses run by Iliaktida (UNHCR project)

Participants: Péter NIEDERMÜLLER, Pál CSÁKY, Jeroen LENAERS, Elly SCHLEIN, Miltiadis KYRKOS, Cecilia WIKSTRÖM, Eleni THEOCHAROUS (DEVE Member), Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Tanja FAJON

The delegation was welcomed at the Iliaktida offices by the founder of this local NGO established in 1997 to integrate people with psychiatric issues into the labour market and society in general. It runs a day centre for people with disabilities and a social enterprise for people with mental health issues. From 2001 to 2010, it became active in an EQUAL Community initiative, as coordinator of the Greek Social Economy Thematic Network. From 2009 it provided support and accommodation to migrants, as well as the local population suffering from the economic crisis. Since 2016, it is working with UNICEF and UNCHR, and manages apartments and shelters (50 in total), offering legal advice, food, as well as integration activities (more than 1,500 persons supported in Lesbos). Iliaktida's work also helps alleviate pressure on the local hospital which covers the needs of the whole island population (80,000 people). If needed, people are also sent to hospital and are accompanied, including by a relevant interpreter. A few months ago it was still difficult to find rooms in hotels for accommodating refugees, but hotel owners realised the economic benefits they can make, while experiencing no particular problems. Nowadays Iliaktida even receives spontaneous offers for rooms. Families from other parts of Greece also contact them to act as foster families, but the current legal framework is not very helpful.

The delegation was subsequently split in four groups, visiting respectively, two shelters (one for boys, one for girls) and two apartments/houses for families (one group also visited the informal school).

In the unaccompanied minors' shelters, it was explained that social workers are present in two shifts (morning and afternoon), and there are social workers on call. After one year working with unaccompanied children, Iliaktida has drafted protocol which governs all its processes. There are high numbers of unaccompanied minors, not all of whom can be accommodated, there are currently 140 children in its shelters, the formal responsibility remaining with the public prosecutor. Nationalities are mixed, in the shelter for the boys there were Pakistani, Bangladeshi and Eritrean children, who live in harmony, some of them already speak some Greek. After they turn 18, they have to be moved to different accommodation, Iliaktida is also trying to help them find work. Their wishes about their future depend, some want to join family in other EU Member States, having awaiting for family reunification for several months, some want to stay in Greece. Few teenagers have been accepted to public school (evening classes), but they all go to morning classes in the informal school established by Iliaktida (mixed classes with boys and girls). Courses taught include Greek, English, maths, European culture including

human rights, history, geography. The importance of school for them cannot be overstated. There were also some illiterate children who show great interest in learning. After school, there are sports and cultural activities. The same informal school hosts classes for primary school children in the afternoon, and adult classes in the evening, in Greek and English. As it is an informal school, it only provides an 'educational level' paper, no official certificate.

Two other groups visited apartments hosting families. One of the compounds was accommodating 7 families (23 members) from Syria, Iraq, Afghanistan and Congo, in small buildings. MEPs had the chance to hear stories of families from Syria and Congo, from their journey to their current living conditions. Issues of resources, food and difficulties of access to school were raised. They indicated not being fully aware of the asylum procedure, neither of the way it should unfold in principle or on the exact status of their own case. It was also mentioned that acceptance of the apartments scheme was rising with the local population. Iliaktida was also taking care of issues related to the education of children living in the apartments, facing different everyday issues related, e.g., to the recognition of their diplomas.

10. Visit of the camp of Kara Tepe camp - Lesbos

Participants: Péter NIEDERMÜLLER, Pál CSÁKY, Jeroen LENAERS, Elly SCHLEIN, Miltiadis KYRKOS, Cecilia WIKSTRÖM, Eleni THEOCHAROUS (DEVE Member), Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Tanja FAJON

Visit with the camp coordinator

The camp coordinator set out the functioning of the camp, which has capacity of accommodating 750 people (in containers) - it is currently running below its capacity, hosting about 500 people. Kara Tepe is a camp for vulnerable refugees, many of them families, which is run by the municipality of Lesbos with the cooperation and support of UNHCR and NGO partners. He underlined the need to receive the refugees (in Kara Tepe they are called "guests") in dignity. Acceptance of the multicultural community in the camp is a precondition for the stay in the camp. The camp has separated bathrooms organised by NGOs, woman-, man- and child-friendly areas, as well as an activity area for sports and playground for children, and a garden. There is a daily programme, including educational activities and free time entertainment (e.g. barbecues, parties, ladies' nights).

24 May 2017 - Athens

11. Meeting with Greek Asylum Service Director Ms Stavropoulou

Participants: Pál CSÁKY, Jeroen LENAERS, Elly SCHLEIN, Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Tanja FAJON

Maria STAVROPOULOU set out the working of the Greek Asylum Service and the relevant procedures. The Greek Asylum Service started operating 4 years ago. In 2016, it received 51000 asylum applications in 2016, and is on a path for an even higher number in 2017 (20,000 applications in the first quarter). Greece is thus dealing with 3 times its fair share of responsibility (as calculated under the Commission Dublin proposal), an unsustainable

situation. Current recognition rate is 42%. She said that the relocation experiment is in principle a good idea and has provided important learning experience, but has not gone according to plan. Greek asylum service increased staff (there is now 200 staff on the islands, compared to none, about a year ago), including for accelerating registration, and set up partnerships, but the relocation decision only covered few nationalities, which is an issue, and there are also significant delays in practice. 19 asylum offices around Greece at the moment (since January 2017) holding around 1,000 interviews per week, delivering first instance decisions within 5 months on average from the moment of application. The relocation model could serve as an example for a more permanent allocation system. On the EU -Turkey statement, she pointed out that nobody who registered an asylum application has been returned unfairly to Turkey. There were two cases of people returned allegedly before given the chance to enter the asylum procedure, which are currently under investigation. People are now blocked on the islands because the Greek asylum service has to carry out a thorough examination of each individual application, and this takes time. People did not want to apply for asylum first, but once they were blocked in Greece, they massively applied for asylum, hence the very high numbers. The Greek asylum service carried out a pre-registration exercise in June 28,000 people got access to the procedure in June and July 2016. Two thirds of the Asylum Service budget comes from AMIF. She also mentioned the close cooperation with EASO, which provides experts and interpreters.

She was asked by Members about the length of the asylum procedures, the training received by the asylum caseworkers, the situation of those falling under the EU-Turkey statement, apart from vulnerable cases, the very low recognition rate of the new appeals committees, the exact role of EASO in the examination of asylum applications, the percentage of economic migrants arriving on the islands, about the relation between the refugee and subsidiary protection status, her remarks on the Commission Dublin proposal, family reunification within Dublin, the challenges of relocation and family reunification, the admissibility procedure, the treatment of vulnerable persons.

On training, she mentioned that one month this is the average EU-wide, according to the EASO training curriculum. There was pressure to reduce such training to two weeks, and mentioned that many experts from Member States come to Greece after having received even less training, and they are further trained here before deployment, then practising on the ground and going back to their Member States with much more experience. On the length of the procedures, she mentioned that the aim that the aim set under the revised Greek law of April 2016 was to reduce asylum procedures to 15 days. Greek law also exempted vulnerable people from admissibility, as well as Dublin reunification cases. She said that assurances were received that Syrian nationals (apart from vulnerable ones and few specific categories) would get protection in Turkey but there was no clarity as to what would happen to people who have family and would qualify for Dublin reunification, if they were returned to Turkey. She also mentioned that nobody has been returned to Turkey yet on the basis of the principle of Turkey as a 'safe third country', which is a notion that was never applied in Greece. She mentioned that the current Asylum Procedures Directive APD has a high threshold, and no EU instances, including the CJEU, have taken responsibility to interpret this in view of the statement, Greece being left alone to bear the responsibility. Now a decision from the Supreme Court is awaited, and appeal committees have frozen their decisions. Syrians were returned only if they have withdrawn their application. Pakistanis who do not receive protection (on the basis of an examination on the merits), can go back to their country or back to Turkey. As to the role of EASO, she confirmed that EASO experts may only conduct an interview but have no decision-making powers. She

did not find problematic that the person taking the decision has not conducted the interview, and mentioned the German system in that respect, where systematically authors of decisions are different to interviewers. Currently, about 50% of the interviews are conducted by Greek staff and about 50% by EASO. The quality is a constant matter of improvement, and EASO is putting efforts to this. She mentioned that the backlog went down tremendously - 2000 to 3000 people on the island are now waiting for decisions. She confirmed that there were many economic migrants arriving, including from Africa, who are not necessarily interested in the asylum procedure in Greece. On refugee and subsidiary protection, she said that the two statuses are aligned in Greece, as distinguishing the two only creates problems including extensive litigation in those Member States who do such distinction. On the new Dublin proposal by the European Commission, she was very dismissive, and mentioned that there are already serious problem in the way Dublin functions. She reported a very high rate of rejections of Dublin take charge requests, including for family reunification, and a 99% rate of rejection for cases falling under the discretionary clause. As to the future Dublin, she proposed that people's preferences should be taken into account, people need to have a sense of agency. Family reunification should be also better thought in the future Dublin, taking into account real needs (e.g. old people taken care of by adult children), instead of obliging services like her own to make very difficult decisions on how to separate families. On relocation she also stressed that Member States are slowing down the process with different excuses of logistical nature, security concerns etc. 12,000 people are currently waiting for relocation, for which Greek authorities have done their part of the process (more details can be found in a Greek Asylum Service PowerPoint presentation - see Annex II). Relocation of unaccompanied children is particularly problematic. Children travelling with relatives which are not nuclear family (e.g. uncle, grandfather) might also face obstacles due to concerns related to family reunification, same for underage married girls, as some Member States do not recognise those marriages - for those cases a proper best interests assessment should be done. The time lapse between moment when a case is registered for relocation and the moment of the decision to relocate is 9 months on average, then the request is sent within one day and it up to the other Member State to accept. Due to the constant delays people, especially those with relocation and family reunification decisions, get in despair awaiting news, and get aggressive towards the Greek asylum service, which is obliged to respond on behalf of all Member States. On vulnerable people, there were talks about a new procedure for this following the joint action plan, but nothing happened, they are still exempted by law and can be transferred to the mainland. Finally, she clarified that asylum seekers in Greece have an automatic right to work.

12. Optional working dinner with the Greek Ombudsman Mr Pottakis and his team

Participants: Bodil VALERO, Kristina WINBERG, Tanja FAJON, Cornelia ERNST

Due to the difficulty to find a time slot to meet with the Ombudsman Mr Pottakis, an optional dinner was organised with him and members of his team in order to discuss some preliminary findings in view of the Ombudsman's upcoming special report on 'Migration flows and refugee protection: Administrative challenges and human rights issues'¹. The Ombudsman explained the main parts of his mission, that is, to mediate between the Greek public administration and citizens in order to help citizens in exercising their rights effectively, to safeguard and promote children's rights, and to promote equality and fight discrimination. The Ombudsman is also the

¹ It may be found here:

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

independent body which monitors returns. He said that his report would look into the management of the migration flows from the moment they had ‘exploded’ up to about a year from the EU-Turkey statement, looking also at its consequences on the ground. His report would testify the lack of a coherent policy plan from the part of the Greek government and several gaps in the way the different services react, despite (or as a result of) their multitude, by assessing both legal framework and administrative procedures, as well as the provision of services to migrant/refugee populations and further integration measures. Discouraging people to come to Greece or encouraging those present to return seemed to be a line running through all the relevant policies, disregarding the root causes of the movement of the populations and the primitive instinct of self-preservation. He also warned against risks of segregation, and of continuing to treat the situation as an emergency one.

25 May 2017 - Athens

13. Meeting with Hellenic Parliament Members

Participants: Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Jeroen LENAERS, Elly SCHLEIN, Cecilia WIKSTRÖM, Miltiadis KYRKOS

The Chair of the Committee on Public Administration, Public Order and Justice, Antonios SYRIGOS, welcomed the delegation to Greece. The following Members of the Hellenic Parliament were present:

Georgios Pallis (SYRIZA)
Miltiadis Varvitsiotis (New Democracy)
Theodoros Papatheodorou (Democratic Coalition)
Athanasios Papachristopoulos (Independent Greeks)
Spyros Danellis (To Potami)
Diamanto Manolakou (Greek Communist Party)

The head of the delegation Ms Ernst, who replaced Mr Niedermueller on that day, explained the aim of the delegation and gave the floor to the Members of the delegation to intervene. Members raised questions related to the treatment of children, the management of returns and the need for an EU-wide solution, the importance of solidarity, the progress of relocation on which the European Parliament has put an emphasis also through its very recent resolution on ‘making relocation happen’, the issue of detention notably of minors.

The head of the Hellenic Parliament delegation Mr Syrigos explained that several challenges had to be overcome, which are explained by the sheer size of the migratory flows, which reached a historical high, during the last two years. Members of the delegation took also the floor to say that solidarity needs to be applied in practice, that transfers to other Member States, notably through relocation, were not going as planned despite the existence of legally binding decisions, confirmed that the situation of unaccompanied minors was very difficult mentioning also the issue of their education, that detention conditions and detention periods were an issue of concern, and that the situation in Moria was difficult partly due to the diverse categories of persons present in the hotspot. They also mentioned the issue of the absorption of relevant EU funds, and felt that better use of such funds could have been made if spent on more permanent structures instead of building camps, as well as on integration, as some people would ultimately have to stay in Greece. Criticism was also voiced of the EU-Turkey statement, which results in

people being trapped in the country and considerable burden and delays on the Greek asylum system, as well as of the Dublin criterion of first entry.

14. Meeting with Commission and EU agencies (EURTF)

Participants: Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Jeroen LENAERS, Elly SCHLEIN, Cecilia WIKSTRÖM, Miltiadis KYRKOS

The delegation met subsequently with the EU Regional Task Force. The European Commission (DG HOME), as well as Frontex - EBCG, EASO and the Fundamental Rights Agency were represented during this meeting. Members also asked questions in the course of the different presentations.

The Commission explained their role in coordinating the work of the agencies and providing support to the Greek authorities. It also replied to questions regarding the issues of EU funding sustainability, notably in the islands. DG Home, ECHO, SRSS are currently providing funding, but DG ECHO will, with very small exceptions, move out from the islands and DG HOME will move instead with the national programmes, notably under the AMIF, progressively from July 2017 until the end of the year, and then fully as from January 2018.

Frontex carries out operations for border surveillance, notably sea borders, as well as search and rescue, and also registration in EU and national databases and identification, in cooperation with the Greek police. Further, it supports returns through escorts and equipment. 28 Member States contributed at that moment in the Poseidon operation, which includes 900 experts of different profiles, including Greek officers. In case of emergency, rapid reaction pools of 1500 experts was also available.

Members of the teams were authorised to search in national police databases. Regarding search and rescue, it was mentioned that in 2017, 4,000 people had to be rescued while over 2,000 were prevented from entering, through patrols as close as possible to the border. Officers also implement protection and coast guards in Turkey are also informed so that they can implement protection. It was clarified that, in the context of relocation, further checks are carried out by national authorities. It was mentioned also that, unlike Italy, in Greece hotspots have become temporary reception centres. Further, strategic analysis is being carried out by examining different scenarios and looking at the situation at the different borders, including land borders.

EASO started by explaining their training activities, including a matching tool for relocation, on which training for Greek colleagues had just been completed. On the matching tool, the Greek asylum service sets the criteria to make matching work. Training before deployment takes place online at the start, then face to face in Athens, followed by a two-week job induction. Then experts carry out gradually interviews with the supervision of a national expert. The importance of the length of the deployment of experts was also mentioned, in reply to questions, which was also stressed in the recent Court of Auditors special report. The standard deployment period still remains 4 weeks, which means that experts are recalled just when they reach the top of their productivity. EASO assistance through expert deployments depends on Member States' contributions but other means were also found, to complete relevant needs, as for instance the recruitment of interim caseworkers locally, or the recruitment of ex-asylum employees from other Member States. Quality control is also systematically carried out on the opinions provided by the EASO experts. There is a standard template for the opinion but the decision lies with the

Greek officer who can overturn the opinion if he/she wishes and do the interview again.

FRA noted their concerns relating to the situation of unaccompanied minors, the lack of separate facilities in the hotspots for such minors, or the lack of security services to guard such facilities, the lack of provision of child-friendly information upon arrival, the lack of a formal legal framework on guardianship (draft law was still at the time under preparation between the two competent Ministries). They also noted the very limited access to formal education for children in hotspots. More generally, the detention of people whose asylum application had been rejected at first instance in pre-return centres was mentioned as problematic.

15. Press Conference

Participants: Cornelia ERNST, Bodil VALERO, Kristina WINBERG, Jeroen LENAERS, Elly SCHLEIN, Cecilia WIKSTRÖM, Miltiadis KYRKOS

The head of the delegation Ms Ernst read the Chair's notes (see Annex II). She then also gave the floor to individual Members to make statements. Members explained the current works on the Dublin file, and the EP's support for a system where all Member States share responsibility, although the situation in the Council seems to be far from this point, they also raised questions about detention notably for minors, but also for people awaiting assisted voluntary return, the great delays in relocation, including for unaccompanied minors, the problems arising from very long stays in the unsuitable hotspot environment.

Journalists asked questions about EU plans to deal with a future massive migratory flow, the Parliament's position on the EU-Turkey statement, the solutions available for unaccompanied minors, the future of EU funding, the DG ECHO press release regarding an NGO beneficiary of DG ECHO funding which was investigated for a sexual abuse scandal.

Members explained the disparity in EU institutions' positions regarding the Dublin file, and the very diverse views present within the Council, as well as the latter's lack of transparency. It was also explained that the EP stood in favour of a mandatory sharing of responsibility through an automatic mechanism and an allocation key based on different criteria, notably GDP and size of population. On the EU-Turkey statement, the lack of a uniform EP position was noted. It was also said that externalising migration management should not be the way in which EU deals with increased flows, while the consequences produced on the ground as a result of the statement (long waiting times for asylum decisions, detention on the islands including for asylum seekers etc.), although the statement provided some space and time. More generally, it was mentioned that the absence of a truly common EU asylum policy is the root cause. Members were not aware of the details of the investigation applying to a NGO but the role of NGOs had to be recognised in dealing with the crisis, and one case should not smear the word done by many.

16. Working lunch with representatives of the Ministry of Education (*Working Group on the Management, Coordination and Monitoring of the Refugee Education of the Ministry of Education, Research and Religious Affairs*)

Participants: Kristina WINBERG, Miltiadis KYRKOS

The delegation met with the coordinator and a member of the Working Group on the

Management, Coordination and Monitoring of the Refugee Education of the Ministry of Education, Research and Religious Affairs. The Ministry of Education is responsible for children in obligatory education from 5 to 15 years old. The working group started operating since March 2016 after the statement, when people got stuck in Greece, following an initiative of the Ministry's scientific Committee. It is composed currently of 11 people. They explained that their approach was to have a place in a public school for each of the 3,000 children living in the 33 refugee camps on the mainland. They were not authorised to plan education for children outside refugee camps, which meant that unaccompanied minors living in shelters were left out, nor for the children living on the islands.

Challenges met included that refugees and migrants come from a variety of school systems, some having been out of school for up to 5 years, some having lost even the use of their mother language. The scientific committee designed an emergency plan, with a special curriculum, and special text books designed for children residing in refugee Camps. Other challenges included that some parents and children consider Greece as transit country and might not wish to attend school, issues of access to school in case of remote camps with no access to public transport (e.g. Skaramagas). Further, budget cuts due to the deep financial crisis made their work more difficult. The effort was to introduce "reception classes", which existed already in mainstream system for immigrants and where Greek was taught as a second language for 3 hours, while the rest of the time would be spent with the other Greek students. For next year they are currently trying to include in their programming also children living outside refugee camps, working together with UNHCR in order to locate 5,000 such children, and find schools in their vicinity to include them in classes.

Further, as they have to be close to camps, the schools concerned are typically situated in underprivileged areas, and it becomes sometimes an issue to be discussed with Greek parents, that refugee children get free transportation, and free food, while this is not the case for Greek pupils. There are also some issues with girls' access to school, as some families do not allow girls to go outside, but solutions can be worked out. Partnerships were also set up with NGOs such as MSF, Medecins du Monde, or Red Cross to have an individual health card provided to all children attending school.

IV. Conclusions and recommendations

The delegation noted in particular that:

1. Reception conditions in the visited facilities and hotspots have been subject to improvement in the last months, although concerns remain as to the conditions in certain camps;
2. Sincere efforts to reinforce the capacity of the Greek asylum service have been carried out by the Greek authorities, including with the support of EASO, to process applications in a timely manner, yet for different reasons, notably to ensure compliance with international standards, large numbers of applicants have to wait for very long to know about their fate and this creates problems that are more acute on the islands;
3. The issue of return for people not eligible for international protection has become more acute, while migratory flows have changed during the last year;
4. The changing legal framework and practices make it more complicated to relevant actors and asylum seekers to be accurately informed and receive legal assistance despite efforts to that effect from the Asylum Service, especially since legal aid is limited;

5. Identification of vulnerabilities upon reception, during the interview, but also later is essential and should be further systematised;
6. The importance of continuous and sustainable funding, notably from the EU, cannot be overstated, with the fear for interruption of the current emergency funding having already negative consequences on the ground, particularly on the islands;
7. Recognising that schooling is ensured in the mainland, it is of particular concern on the islands where children have to wait for too long periods, with their parents, before being able to build a future; educational activities developed by NGOs cannot substitute for proper schooling.

Observations and exchanges with all stakeholders led the delegation, at the exception of Ms Winberg (EFDD), to make the following recommendations:

1. Detention, including in view of assisted voluntary returns, should only be used on a case by case basis, as a last resort measure, notably to address the risk of absconding in line with EU acquis, and should be subject to independent monitoring;
2. Access to formal education should be provided to all children present on the islands;
3. Full use of European funds for integration should be made so that asylum seekers, refugees and migrants have a chance to become part of the society that welcomes them and to be accepted by the local population;
4. Identification of family links and family reunification under Dublin procedures should be accelerated and all EU Member States should cooperate to this effect;
5. Relocation should be accelerated, Member States should be urged to fulfil their obligations under the Council decisions and all eligible applicants present in Greece for which the Greek authorities have done their part of the process (12,000 to date) be relocated, as recalled in a recent resolution of the European Parliament calling for “Making Relocation happen”, including after 26 September 2017.

The Greek population, on the islands in particular, is demonstrating solidarity and makes a great contribution to welcoming newcomers to the EU, and would deserve in turn solidarity from the EU. Indeed, the majority position in the European Parliament is based on solidarity and fair sharing of responsibility, and a European Parliament resolution¹ recently called for an extension of relocation decisions of September 2015 until the adoption of the recast Dublin Regulation.

¹ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2017-0230&language=EN&ring=B8-2017-0340>