

## **Mobile Info Team, a project of Stichting Mushkila Kabira** **Submission to the Universal Period Review of Greece 2021**

The Mobile Info Team (MIT) was founded in June 2016 and is a project of the Dutch foundation "Mushkila Kabira". Its mission is to support people who are trapped in a complicated, inefficient and sometimes unjust asylum system. By providing information and individual assistance, we want to help improve their living conditions and strengthen their rights and dignity during their escape.

The direct exchange with asylum seekers is our priority. We provide information for broader target groups and individual advice through personal visits, via communication through WhatsApp, and social media. With this approach, we have been able to disseminate reliable information on a large scale, support individual asylum applications and family reunifications, as well as integration efforts and thereby gain the trust and respect of those affected.

We also see it as part of our work to use our practical experience to identify problems, offer feasible solutions and work together with other initiatives and organizations to improve the asylum and accommodation system.

### **Summary**

This submission was prepared for the Universal Period Review (UPR) of Greece taking place in October 2021. In it, Mobile Info Team evaluates the extent to which Greece has implemented the recommendations it accepted following the previous UPR, particularly as regards access to the asylum procedure.

Since the 2016 review, there has been an increase in the number of asylum applications made in Greece,<sup>1</sup> yet problems accessing the asylum procedure persist. It is noted that Greece has transposed EU directives pertaining to the reception of asylum-seekers into national law. However, the wording of the implementing legislation has created additional barriers to accessing asylum for vulnerable groups. Further, the national legislative framework sets out procedures that are, for many, rendered inviable by the continuing practice of illegal pushbacks along Greece's borders with Turkey.

---

<sup>1</sup> From 51,091 applications in 2016 to 77,287 in 2019.

This submission examines the avenues for making an application for international protection in northern Greece, in particular, and makes a number of recommendations to improve access to the asylum procedure on the mainland.

### **Follow up to the previous review**

Greece accepted several recommendations from the 2016 UPR pertaining to the situation of asylum-seekers. In particular, it committed to strengthening the capacity of the asylum service,<sup>2</sup> improving access to the asylum procedure,<sup>3</sup> and providing effective structures for the identification and care of vulnerable migrants.<sup>4</sup>

Although the asylum service increased its staff numbers in 2019,<sup>5</sup> it appears unable to cope with increasing numbers of land arrivals.<sup>6</sup> The intermittent suspension of the asylum service due to COVID-19 measures has made the registration of new applications more difficult; at the time of writing, a number of regional asylum offices have suspended their services for a period of three weeks at least, except for urgent registrations and the lodging of appeals.

As regards vulnerable applicants, in 2019, Greece transposed EU legislation providing for special procedural guarantees for members of vulnerable populations; however, the new national framework imposes more stringent requirements for the identification of vulnerabilities that are not self-evident. Meanwhile, reports of police violence against asylum-seekers discourage many from approaching the authorities for information and assistance in registering their applications.

### **National Framework**

In 2019, Greece transposed Directive 2013/33/EU<sup>7</sup> and Directive 2013/32/EU<sup>8</sup> into Parts Two and Three of Law 4636/2019 (The International Protection Act, 'IPA'), respectively. The IPA has been subject to several amendments, the most notable of which is L 4686/2020. It contains several provisions relevant to access to the asylum procedure.

A third-country national or stateless person is entitled to file an application for international protection.<sup>9</sup> The application is deemed as filed on the date of full recording,<sup>10</sup> which shall include the applicant's identity details, country of origin and statement of grounds for international

---

<sup>2</sup> Paragraph 134.128.

<sup>3</sup> p134.133.

<sup>4</sup> p134.139.

<sup>5</sup> From 691 at the end of 2016 to 886 at the end of 2019, according to the Greek Asylum Service.

<sup>6</sup> 3,300 persons entered via the Evros border in 2016 compared to 14,887 persons in 2019

<sup>7</sup> Directive 2013/33/EU of The European Parliament and of The Council Of 26 June 2013 Laying Down Standards for The Reception of Applicants for International Protection (Recast)

<sup>8</sup> Directive 2013/32/EU of The European Parliament and of The Council Of 26 June 2013 On Common Procedures for Granting and Withdrawing International Protection (Recast)

<sup>9</sup> Article 65(1) L 4636/2019

<sup>10</sup> Article 65(3) L 4636/2019

<sup>11</sup> Article 65(1) L 4636/2019

protection.<sup>11</sup> Applications for international protection shall be filed in person.<sup>12</sup> Applicants have the right to receive their international protection applicant card<sup>13</sup> and public health insurance<sup>14</sup> only after the full recording of their application.

Third-country nationals and stateless persons who enter or live in the Greek territory irregularly are required to undergo 'reception and identification procedures' at a Reception and Identification Centre ('RIC'). It is the responsibility of police, port authorities and the Reception and Identification Service ('RIS') to transfer such persons to the local RIC.<sup>15</sup> An applicant may be subject to 'restriction of freedom' for up to 30 days whilst they are undergoing reception and identification procedures.<sup>16</sup> Reception and identification procedures shall include medical checks and referral to procedures for inclusion,<sup>17</sup> whereby persons who wish to apply for international protection should be referred to the competent local asylum office.<sup>18</sup> Medical checks should include the provision of specialised care for vulnerable populations, which are defined as: minors, direct relatives of victims of shipwrecks, disabled persons, elderly people, pregnant women, single parent families with minor children, victims of trafficking, persons with serious illnesses, persons with mental disabilities and persons who have been subject to torture, rape or other serious forms of psychological, physical or sexual violence or exploitation.<sup>19</sup>

Another provision of the IPA is Article 61 on victims of torture and violence, which transposes Article 25 of Directive 2013/33. Notably, whereas the Directive provides for member states to ensure access to appropriate medical and psychological care, the IPA inserts a qualification requiring serious violence to be 'attested by means of a medical certificate issued by a public hospital, military hospital, or qualified doctors employed in public bodies providing health services.'<sup>20</sup>

## **Promotion and protection of human rights on the ground**

There are four main routes to apply for asylum in northern Greece. Firstly, asylum-seekers are encouraged to contact the asylum service via Skype to book an appointment for the full recording of their application. For speakers of languages where there exists no specific Skype line, such individuals need to present themselves to an RAO directly in order to book an appointment for the full recording of their asylum claim. There is also an option to register at the Centre for the

---

<sup>11</sup> Article 65(1) L 4636/2019

<sup>12</sup> Article 78 (3) L 4636/2019

<sup>13</sup> Article 69(5) L 4636/2019

<sup>14</sup> Article 1(2) Joint Ministerial Decision No. 717/2020, Government Gazette 199/B/21-2-2020, Arrangements for ensuring the access of applications for international protection to health services, health care, social security and the labour market

<sup>15</sup> Article 39(1) L 4636/2019

<sup>16</sup> Article 39(4)(a) L 4636/2019

<sup>17</sup> Article 39(2) L 4636/2019

<sup>18</sup> Article 39(6) L 4636/2019

<sup>19</sup> Article 39(5)(d) L 4636/2019

<sup>20</sup> Article 61(1) L 4636/2019

Integration of Migrants ('KEM' - Κέντρο Ένταξης Μεταναστών) in Thessaloniki, which is operated by the municipality of Thessaloniki, rather than the asylum service. KEM refers vulnerable applicants to the asylum service for a priority appointment for full registration. Finally, the IPA foresees the transfer of applicants by the police or RIS to the local RIC, the RIC of Fylakio in the case of Northern Greece, who should, in theory, carry out reception and identification procedures and refer applicants on to the Asylum Unit of Fylakio or the Regional Asylum Office of Thessaloniki. Each of the four routes presents unique challenges.

The option to call the asylum service via Skype is limited to particular times according to area and language. In Thessaloniki for example, Skype is available for only one hour per week each for speakers of Arabic, Farsi, Dari, Kurmandji, Sorani, Urdu, English and French.<sup>21</sup> Users of Mobile Info Team's information provision services report trying to call the asylum service via Skype for over a year and a half without succeeding in getting an appointment. There are also multiple technical requirements to be fulfilled, which make access extremely challenging, especially for homeless people who wish to apply for international protection, as a Skype capable device with video call features and a stable network or internet connection is required. Even where people manage to get through via Skype, many have reported that the call failed midway through the registration procedure. Where an applicant succeeds in getting an appointment, they often face a long wait until their appointment; in 2019, the average period between fixing an appointment and the date of the appointment was 44 days.<sup>22</sup>

The languages not included in the Skype service include, for example, Somali, Tigrinya, Swahili and Turkish. Speakers of such languages are required to attend the RAO in person to register their asylum claims. During COVID-19 and the numerous lockdowns and restrictive measures that have been put in place, this avenue has become inaccessible owing to the inability of those wishing to apply for international protection to attend asylum offices in person without an appointment. This has meant that during this time, many people have been left with no possibility to register their intention to seek international protection and thus have been left unable to access any of the benefits or services that are obtained following registration of an asylum claim. This includes, *inter alia*, health insurance, cash assistance, and accommodation services. Even before the global pandemic, presenting oneself at the RAO to register an asylum claim could be described as a lottery; prior to 2020, Mobile Info Team were made aware of a case of a single mother from Eritrea, who camped outside RAO Attica overnight with her three children in the hope of being admitted to the asylum service, but was turned away the following morning.

Referrals by KEM to the asylum service require supporting documentation to prove vulnerabilities that are not self-evident; in particular, it is required to substantiate a claim that a person has been subject to torture, rape or other serious forms of violence. Since the introduction of the IPA, this documentation must take the form of a medical certificate issued by a public hospital.<sup>23</sup> However, asylum-seekers cannot access public health services until they receive their health insurance number, which they are not entitled to until they complete the full recording of their claim.<sup>24</sup> It is

---

<sup>21</sup> According to the Asylum Service Skype schedule published 2 November 2020; [skype\\_program-από-2-11-2020.pdf \(migration.gov.gr\)](#)

<sup>22</sup> p50 2019 AIDA Country Report: Greece

<sup>23</sup> Article 61(1) L 4636/2019

<sup>24</sup> Article 1(2) Joint Ministerial Decision No. 717/2020, Government Gazette 199/B/21-2-2020, Arrangements for ensuring the access of applications for international protection to health services, health care, social security and the labour market

also reported that Greek hospitals would only carry out a clinical examination where the alleged act had occurred recently; therefore, it would not be possible to obtain a medical certificate relating to incidents of torture or rape that occurred in an applicant's country of origin. As for non-governmental organisations, Metadrasi and Médecins Sans Frontières offer a medical certification service, but it is only available in Athens. Therefore, in effect, it is almost impossible for such persons to access the asylum procedure by priority except at the discretion of referring services.

In the experience of Mobile Info Team, even in cases where KEM has made a referral to the asylum service, extremely vulnerable applicants face waiting times of many months to receive an appointment. For example, Mobile Info Team is supporting an unregistered asylum-seeker who was raped and tortured in their country of origin. They have a supporting psychosocial report from another non-governmental organisation in Thessaloniki. KEM made the referral to the asylum service in October 2020. As of March 2021, the person of concern is yet to receive an appointment date, and has been homeless since their arrival in Greece as they cannot access basic services without an international protection applicant card. Another case we are supporting suffers from a mental disability as a result of being tortured and have supporting medical documentation from their country of origin. KEM referred the person of concern to the asylum service in December 2020. They are also yet to receive an appointment date. In the meantime, because they are unregistered, they face eviction from the accommodation services they are informally sharing with their brother. On 15 March 2021, KEM announced that it was not accepting new referrals due to COVID-19 measures and the existing backlog of vulnerable applicants who have yet to be registered. Similar problems exist in other regions of Greece: Mobile Info Team is supporting an unaccompanied minor who is awaiting their full registration appointment in June 2021, having been referred to the asylum service in November 2020.

As regards Article 39 of the IPA, the procedure set out in that provision relies on the expectation that new land arrivals will be apprehended by the Hellenic Police. In practice, many will not come into contact with the authorities in the border regions and will therefore not be processed as envisaged. Whilst new arrivals remain undocumented, they are at a heightened risk of destitution, detention and pushbacks to the Greek-Turkish border. Furthermore, many of the Mobile Info Team's service users express an extreme reluctance to approach the Hellenic Police for fear of illegal practices. For example, the Border Violence Monitoring Network has identified a trend of pre-removal detention centres such as Fylakio being used to detain asylum-seekers before they are transferred to the border and illegally pushed back into Turkey.<sup>25</sup> These reports indicate that the provisions of the IPA relating to the reception of asylum-seekers are not being implemented on the ground. For as long as such illegal practices persist, significant barriers to the asylum procedure on the mainland remain.

### **Recommendations for action by the state under review**

The Mobile Info Team recommends the following in order to address the challenges discussed above:

- Increase the capacity of the Skype service to offer more operating hours for asylum-seekers in Thessaloniki;

- Treat the registration of vulnerable applicants already referred to the asylum service via KEM as urgent such as to carry out their registration even whilst covid-19 measures remain in place;
- Reform Article 61 of the IPA to facilitate the identification and processing of vulnerable applicants who are victims of serious violence;
- Halt illegal pushbacks such that the transfer of applicants to the RIC of Fylakio becomes a viable avenue for accessing the asylum procedure.