

Ecumenical Refugee Programme

Re-integration Center for Returning Migrants-KSPM:

Holy Synod of the Orthodox Church of Greece

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Subject: Major concerns* of the ERP legal service relating to the implementation of the Asylum Transitory Regime in Greece.

The Ecumenical Refugee Program (ERP), is a special service of the Holy Synod of the Orthodox Church of Greece that provides assistance to refugees and asylum seekers. The program runs different projects that have been financed by various sources, including UNHCR, the European Commission, the European Refugee Fund (during the last 6 years until today) etc. The ERP primarily provides legal assistance and representation to asylum seekers and refugees and is one of the main Organizations in this field in Athens, namely an area that receives the largest numbers of aliens in need of International Protection. Since March 2011, ERP is an implementing partner of UNHCR within the **Asylum Reform Project**, for legal assistance and representation to asylum seekers and refugees in Greece

Brief assessment of the asylum situation in Greece and recommendations.

Since the entry into force of the Asylum Reform in Greece, significant changes have taken place, first due to a more positive political will, second due to the institutional involvement of UNHCR.

In fact, UNHCR has taken significant steps in familiarising the police officials as well as the appeal bodies with the fundamentals of refugee law when implementing the various steps of the asylum process, such as recommendation, decision making and so on.

In practice, we have noticed the following change; In the area of Athens, the quality of the asylum interviews has improved, at least in those cases where an NGO lawyer is present. The reasoning of first instance decisions is still weak. However what is important is that we have overcome the old mentality that "*all first instance decisions should be negative*" and we have started receiving a few positive first instance decisions, which is unprecedented for Greek standards. The appeal procedure has also improved, even though there are big delays in the issuance of the decisions.

What is however of major concern to us, is that these improvements are restricted to Athens. In essence we are facing an asylum regime of different speeds. What this means:

a. **First**, access: access remains everywhere very difficult. If the asylum seeker does not belong to a particularly vulnerable group it is almost impossible. The situation is however even harsher outside Athens. For instance, we are informed that in

Thessaloniki access is impossible, but there are also not enough advocacy groups or NGO to assist the asylum seekers.

b. **Second**, detainees: many detainees, including new comers in the border areas are genuine refugees who did not have the chance to apply for asylum. Despite a series of negative decisions by the European Court of Human Rights, detainees remain deprived of any procedural safeguard with regard to the asylum process. There is simply no institutional protection for them. Their asylum claim gets registered with much difficulty. Even when it gets registered, the interview lasts very little and they have no possibility of receiving legal assistance. The decisions do not get translated to them and they cannot appeal since the appeal needs to be written in Greek.

c. **Third**, the quality of the asylum process; With the exception of Athens, in the rest of Greece the asylum process does not have the same standards, despite UNHCR's efforts to provide training.

d. **Fourth**, minors: While conditions of detention are overall far below any international standards, minors are of major concern to us who are exposed to such a degrading environment even within the area of Athens.

In any case, and as a final comment we would like to draw the attention to the deeply rooted mentality of the police administration that: nobody is a refugee, they all tell lies. As long as the police is in charge of the asylum process, this is very difficult to overcome. At the same time, the deep financial crisis has had its negative impact also on the asylum procedure, since all reform mechanisms are currently blocked and there are serious deficiencies of resources, such as lack of office supplies (printing paper, toner) in the Athens Asylum Department. **The huge inadequacies with regard to reception facilities remain and there are still major reforms needed and a long way to go amidst a multifaceted crisis, before the rest of Europe is in a position to safely send back Dublin cases to Greece.**

Finally, on a very brief note, from the policy perspective of the Union, the Commission and UNHCR, we find it difficult to understand why no guidelines have been issued about asylum seekers coming from Syria, or about de facto/*sur place* refugees who arrive at the external borders of the E.E and are then refouled. We urge also the Greek government to suspend all the deportation orders for Syrian citizens who found themselves in an irregular situation in Greece, do not have access to asylum procedure, have been arrested and faced the danger of immediate deportation.

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Project Director

** the above text was submitted for the meeting organized by the European Commission in UNHCR Athens premises in 14/2 with other institutional E.U bodies, UNHCR, International NGO and Greek NGO's to discuss progress within the Asylum Reform Project*