

The logo for GISTI, featuring the word "gisti," in white lowercase letters on a green rectangular background.

groupe d'information et de soutien des immigré.e.s

# **EU-Turkey statement: the great deception**

mission report in the Greek hotspots in Lesvos and Chios

July 2016



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## INTRODUCTION

This report documents the Gisti 2016 mission in the Greek hotspots of Lesbos and Chios, between May 22 and 30. In September 2017, nearly a year and a half later, the situation of the people held on these islands, which became "open air jails" where rebellions and shows of despair are common, remains a cause for concern, regarding their material conditions as well as the respect of their rights, including the right to asylum.

On 11 March 2016, in response to the European Union's project to establish an agreement with Turkey through which it will commit to take back the migrants currently in Greece « *having no need for international protection* », Gisti denounced this « *barter of shame* » as « *a grotesque process which was designed with a complete disregard not only for the basic principles of the Convention Relating to the Status of Refugees and for those of the European Convention on Human Rights, but also for those of the EU Charter of Fundamental Rights. What about the principle of studying each individual request for asylum as made in the country of first arrival? The principle of non-discrimination of nationality? The ban on collective deportations?.... And by association, the lack of basic human rights?* »<sup>1</sup>.

The terms of the EU-Turkey Statement » - hereafter the « Statement » - were made public in the press statement of the European Council, after the meeting of its members which took place on 17 and 18 March 2016<sup>2</sup>, served only to increase the concerns of Gisti. The agreement within this Statement is directly in line with the political orientation of the Union, more concerned to protect itself against a wave of immigration it perceives as a threat, and as such, ready to act against it to guarantee against this « *danger* » rather than upholding the principles upon which it is founded and which it publicly and repeatedly aspires to. Under the guise of dismantling the « *economic model of the migrants* » and in order to « *offer the migrants an alternative to that of endangerment of life* », the EU has decided to fund a joint initiative between Turkey and European policy in the struggle against « irregular » immigration in exchange for financial aid, visa liberalisation for Turkish citizens and the relaunch of the accession process for Turkey to the Union. All this, without even considering the extra financial cost for Greece, a Member State, whose capacities to receive and manage thousands of exiles transiting through its territory for the past few years have been considerably reduced.

The affirmation by the European Council that the return to Turkey of migrants arrived in Greece after 20 March 2016 would be done in « *full accordance with EU and international law* », can in no way be taken seriously. On 18 March, when 30 Afghan immigrants were intercepted while trying to enter into Greece from the Turkish border, they were detained for five days before being forcibly repatriated to Afghanistan, with no access to the asylum procedure that they had requested<sup>3</sup>.

Aside from the dubious legality of the « Statement » which has the appearance of an international agreement with scant regard for the rules of procedure, its implementation is based on the premise of dividing the migrants into two groups: those who may claim international legal protection and those who may not *i.e.*

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<sup>1</sup> [The EU-Turkey agreement, a double shame](#) press release by Gisti, 12 March 2016

<sup>2</sup> Cf [conclusions of the meeting of the European Council on 17 and 18 March 2016](#) and the [Statement which followed on 18 March 2016](#)

<sup>3</sup> [The false claim of Turkey as a « safe country » is revealed by the expulsion of Afghans several hours after the agreement with the EU](#), press release by Amnesty International France, 23 March 2016 (in French)

« irregular migrants ». This in itself raises several questions: on what basis and by whom, will this selection be made on who may remain in Greece and who must return to Turkey?

What procedures will be put in place for examining individual cases? Will migrants be detained in the « hotspots » set up by Greece while they await a decision on their future and, potentially, a return to Turkey? What information will they be given on their legal rights? What is the likely outcome of any request for asylum? What is the likelihood of being allowed to appeal a decision?

Since the Statement came into effect, several NGOs have documented the poor conditions in which the migrants find themselves in the Greek hotspots. In the course of a mission to examine two of these, Gisti, who drew the same conclusions, had the specific goal of reporting on the conditions in which the Statement has been applied, and, in particular, to assess the requirements for legal assistance of the migrants being held in Greece, as well as the possibility for appeals in the various courts of law and European or international jurisdictions.

Three lawyers members of the association's legal team, one of whom is a practicing member of the Paris Bar, went to Greece from 22 to 30 May 2016. After a brief passage through Athens to meet with various heads of GOs, NGOs and with lawyers involved in defending the migrants' rights, the mission was then focussed mainly on the islands of Lesbos and Chios.

This report briefly sums up the Statement and the regulatory measures which were borne of it, describes the situation of the migrants as seen in the camps in Lesbos and Chios, before detailing the shortfalls and/or violations of basic rights that were noted.

Gisti's mission took place from May 22 to 30, 2016 in Athens and on the islands of Lesbos and Chios. The team comprised Bénédicte Chesnelong (lawyer), Christine Martineau (lawyer at the Paris Bar) and Ève Shashahani (lawyer). The people interviewed *in situ*, and the information gathered since this date, confirm that the all data collected was still accurate two months later.

## I. BACKGROUND

### A. The situation in Greece prior to the EU-Turkey Joint Statement

#### ♦ *A European asylum policy at the root of the difficulties faced by Greece for the reception of refugees*

One of the basic principles of the Common European Asylum System (CEAS) is known as the « Dublin regulation » which, since its first version in 2003, lays the onus on the countries at the external borders of the EU, and notably on the Mediterranean states, to bear the main weight of the reception of asylum seekers for the whole of the Union. The Arab Springs of 2011 and the Syrian crisis accentuated this phenomenon, making Greece the foremost reception country for those exiled in Europe, whereas this country, because of its structural problems, was less and less able to receive and to respond to their requests for asylum, to the point where it was sanctioned on several occasions by the European Court of Human Rights.

#### ♦ *Management of the « migration crisis » which has increased the problem: creation of hotspots*

Rather than taking this context into consideration, the decision taken by the EU in May 2015 to tackle the issue of the badly termed « migration crisis », by setting up « hotspots » in Greece and in Italy, could only lead to increased difficulties for the country most exposed to migrants arriving by sea. Functioning as selection centres, which were supposedly established to « relocate » people eligible for protection in other European countries, they have never functioned in this way; moreover the « relocation » appeared to be a total failure on the basis that other Member States refused to uphold their duty of solidarity<sup>4</sup>. The hotspots serve instead as « reception centres » to register all migrants arriving on the Greek islands.

Up until 2016, these people could hope, after managing to reach the Greek shores, to travel on to other European countries even if the internal borders, under the Schengen Agreement, were becoming increasingly difficult to cross. In the most cynical manner, having failed to block passage of incoming exiles to Europe, the EU Member States have, for once in agreement, combined efforts to contain them before their arrival, at the cost of a sordid agreement with Turkey.

### B. The main points of the European Council's Statement of 18 March 2016

The Statement published by the European Council states the following:

- All new irregular migrants crossing from Turkey to the Greek islands from **20 mars 2016** onwards will be returned to Turkey, without exception. This policy of return, according to the Statement, must be carried out in accordance with EU and international law, thereby excluding all form of collective deportation. All migrants will be granted protection by Turkey, on a temporary basis, in accordance with international norms applicable and on the principle of non-refoulement.

Upon arrival on the Greek islands the migrants must be duly registered and all requests for asylum must be considered on an individual basis by the Greek authorities, in accordance with the « Procedures » Directive<sup>5</sup>, with the assistance of the United Nations High Commissioner for Refugees (UNHCR).

Migrants who do not request asylum, or whose requests for asylum are deemed unfounded or inadmissible, in accordance with the « procedures » Directive, will be returned to Turkey. The EU will

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<sup>4</sup> Of a total of 160 000 people that the Member States undertook to relocate within a timeframe of two years, only 3000 have benefitted from this right as of July 2016, ten months after the establishment of hotspots in Greece and Italy.

<sup>5</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 relative to the common procedures for the granting and withdrawal of international protection, under « Procedures » Directive.

cover the costs of the return of the migrants in irregular situation.

- For each Syrian returned to Turkey from the Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the criteria of risk as defined by the United Nations and up to a maximum of 72,000 individuals being resettled in the EU.
- Turkey must, for its part, take all necessary measures to prevent the creation of new sea or land routes from Turkey to the EU, and will co-operate with the neighbouring States and with the EU in this respect.
- Once irregular crossings between Turkey and the EU have ceased, or have been substantially and sustainably reduced, a Voluntary Humanitarian Admission scheme will be activated. The Member States of the EU will contribute to this on a voluntary basis.
- The fulfilment of the roadmap for the visa liberalisation will be accelerated with a view to lifting the visa requirements for Turkish citizens **by the end of June 2016** at the latest, provided that all related benchmarks have been met. As such Turkey must take all necessary measures to conform with the demands it has not yet met, in order that the Commission, after examination required by the benchmark criteria, may present a proposal before the end of April 2016. The European Parliament and the Council would then make a final decision before the end of June 2016.
- The EU, in close co-operation with Turkey, will further accelerate the disbursement of the initially allocated €3 billions, under the Facility for refugees in Turkey. Once these resources are close to being used in full, and provided that the above commitments are fulfilled, the EU will mobilise additional funding up to an additional €3 billions by the end of 2018.
- The EU and Turkey will relaunch the accession process, in accordance with their Joint Statement of 29 November 2015: following on from chapter 17 (opened on 14 December 2015) the next step will be to open chapter 33, during the Dutch presidency of the EU Commission. The groundwork for the opening of further chapters will be accelerated, without prejudice to other Member States' positions and in accordance with due legal process.
- The EU and Member States will work with Turkey in any joint endeavours to improve humanitarian conditions inside Syria, particularly in certain areas near the Turkish border, such that the local population and refugees can live in safer areas.
- Monthly reports will be published on the implementation of the Statement.

According to figures communicated by the European Commission in its second stage report of 15 June<sup>6</sup>, on the application of the Statement, **on 1 June 2016:**

- **8.450** migrants were still held on the Greek islands;
- **462** migrants, who had not requested asylum or who had relinquished their right for asylum, of various nationalities, among them 31 Syrians willing to return to Turkey, were returned to Turkey since 20 April 2016, the date on which returns to Turkey became mandatory;
- **511** Syrians had been resettled to the EU from Turkey, under clause « 1 for 1 », referred to above and covered by the Statement.

### C. Reglementary changes in Greece and Turkey since the introduction of the Statement

<sup>6</sup> [second report on the progress made in the implementation of the EU-Turkey Statement](#) published by the European commission on 15 June 2016 (COM (216) 349)



### ➤ *Adoption of a new law*

Further to the Statement of 18 March, Greece adopted on 3 April 2016<sup>7</sup> new legislation with regards to asylum, which amounted to an acceleration of procedure, with respect to the determination of the eligibility of an asylum seeker.

This can be applied in the sole instance where a return to Turkey is not possible, either due to the risk for the person concerned, or under the « Dublin III » regulation<sup>8</sup>, or indeed if Turkey cannot be considered to be a safe country, due to the personal situation of the asylum seeker<sup>9</sup>.

Turkey has adopted new procedures for temporary protection which it was able to offer to Syrians already registered in Turkey, or likely to be so in the weeks and months to come, under the framework of the establishment of the Statement.

Whilst Turkey has ratified the Convention relating to the Status of Refugees (Convention signed in 1951 in Geneva), it is applying a geographical boundary which is limited to unaccompanied citizens of European countries. In a letter addressed to the European Commission on 12 April 2016, Turkey made assurances that the Syrian citizens sent back to Turkey under the Statement would be given temporary protection in Turkey. Under closer scrutiny this protection has only a weak legal status, notably in terms of access to employment, education or health services.

### ➤ *Readmission Agreements*

Under the Statement the return to Turkey of asylum seekers who had arrived from Turkey to Greece after 20 March 2016, falls within the scope of a pre-existing bilateral readmission agreement between Turkey and Greece. It was also agreed, within the framework of the visa liberalisation procedure for Turkish citizens entering EU territory, that modifications to the agreement between Turkey and the EU - (signed in December 2013 and applicable since 2014) - for bilateral readmission of nationals from third party countries, would be rapidly adopted.

The Joint Commission for EU/Turkey Readmission which drafted this text announced on 1 April that the readmission agreement between the EU and Turkey would come into effect on 1 June 2016 and not, as initially planned, in October 2017.

In effect, on 1 June 2016 this new agreement was promulgated after having been published on 20 May in the Official Journal of Turkish Republic and approved by the Turkish parliament: subject to the enforcement decree yet to be issued by the Council of ministers of the Turkish government, all Member States, with the exception of Denmark and Ireland, will be able to demand that Turkey take back citizens from third-party countries entered from Turkey into their territory without prior authorisation for entry into the Schengen zone—and not, as before, only the Turkish citizens who had entered EU territory without visas, as set out by the agreement adopted in 2013. The Heads of States or Government will have to take into consideration, for each rejected asylum seeker being returned to Turkey, whether this country can be considered as safe for the individual concerned.

**The signature and introduction of this modified readmission agreement will, after its ratification by the Turkish Council of Ministers, allow all Member States the possibility conferred to Greece through the**

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<sup>7</sup> Law 4375 (OG A'51/03-04-2016)

<sup>8</sup> Ruling of the European Parliament and of the European Council n°604-2013 of 26 June 2013

<sup>9</sup> Law 4375 (OG A'51/03-04-2016)

## **Statement, of returning to Turkey any migrants who have entered their territory illegally and for whom they have refused asylum.**

Bilateral agreements are also in the process of being developed between Turkey and Germany, and between Turkey and Bulgaria.

### **D. The situation on the Greek islands in the Aegean sea since the introduction of the Statement**

#### **> Increased requests for asylum**

The introduction of the Statement has had the immediate effect of considerably increasing requests for asylum from migrants arriving on the Greek islands of the Aegean sea since 20 March 2016; as of 1 June 2016 there were **8.450**<sup>10</sup> for only 7.450 available places in the camps set up to receive them.

These requests for asylum were far from being systematic or in great number before 18 March 2016, but alarmed by the prospect of being returned to Turkey, after 20 March 2016 the new comers were led to request asylum when arriving on the Greek islands from the Aegean sea.

Many Syrians interviewed in the Greek hotspots, even when being neither Kurds nor Christians, have a real fear at the prospect of being returned to Turkey. Although President Erdoğan announced that the Syrian refugees in Turkey can aspire to Turkish nationality<sup>11</sup>, a report published recently by the Turkish opposition party CHP (Republican People's Party) is much less welcoming for Syrian refugees returning to Turkey. This report<sup>12</sup>, published by a party opposed to the AKP (Party for Justice and Development) and to President Erdoğan has undoubtedly some political undertones; nevertheless it comes from a mission carried out with several Turkish human rights groups: it highlights the conditions of great danger for the majority of Syrians in Turkey, the violations of their human and civil rights and also the risk of sexual abuse for the un-accompanied minors. CHP did not hesitate to denounce<sup>13</sup> the recent announcements by President Erdoğan as a maneuver destined to win new votes for an upcoming election.

Migrants who had arrived in Turkey before 20 March were all transferred to the mainland of Greece.

In its first stage report published on 20 April 2016<sup>14</sup>, the European Commission indicated that in the two weeks following the Statement, around 2.000 requests for asylum had been registered in the Greek hotspots<sup>15</sup>. This figure was still accurate a month later, when we know the requests for asylum had only been registered progressively and, for the most part, were registered only in Lesbos, due to a lack of personnel.

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<sup>10</sup> According to figures in the [second report on the progress made in the implementation of the EU-Turkey Statement](#) published by the European commission on 15 June 2016 (COM (216) 349).

<sup>11</sup> Cf. the article published on 2 July 2016 in The Financial Times, [Turkey plans to offer citizenship to Syrian refugees](#)

<sup>12</sup> Cf. the article published on this subject in the Turkish newspaper « Hurriyet » on 28 June 2016: [CHP report on Syrian refugees](#)

<sup>13</sup> Cf. the Financial Times article of 2 July 2016 *op. cit.*

<sup>14</sup> Cf. p. 5 of the [First Report on the progress made in the implementation of the EU-Turkey Statement](#) (COM 2016 (231)) published by the European Commission on 20 April 2016

<sup>15</sup> The hotspots in the Aegean Sea in 2015 are on the islands of Lesbos, Chios, Samos, Kos and Leros. According to the European commission the hotspots tend to trigger an immediate response from the Member states exposed to mass arrivals of migrants, *i.e.* those whose borders are on the periphery of the EU. EASO (the European office with authority in matters of asylum), Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU), Europol (the European Agency for Police Co-operation) and Eurojust (the EU's Judicial Cooperation Unit) are supposed to join forces on the ground, working together with the authorities of the Member state concerned to enable it to fulfill its legal obligations, as set out in European law, to rapidly identify, record and take digital fingerprints of arriving migrants.

➤ ***Detention and return to country of residence***

The sudden increase in asylum requests is mainly due to the unprecedented measures taken in the hotspots vis-à-vis the new arrivals, measures which can only have served to increase their fear of being returned ‘en masse’; whilst those arriving before 20 March were allowed to move freely between the camps and on the islands, the new arrivals have been confined to the hotspots as of 20 March 2016, kept in this state of detention within the limits of the camps to which they were transported immediately upon arrival on the islands, and from which they are not permitted to leave.

It was not until 25 days later that the camp of Moria in Lesvos was re-opened, *i.e.* end of April 2016, to allow the migrants to circulate on the island, albeit without permission to leave the island itself.

➤ ***Protests by Doctors Without Borders (MSF) and by UNHCR***

The establishment of the Statement provoked strong protests from the NGOs present in the hotspots: thus, on 22 March 2016, MSF, in protest to « *the forced return* » of migrants and asylum-seekers as a result of the Statement, ceased all activity on Moria, a hotspot on Lesvos<sup>16</sup>.

On 22 March 2016 the UNHCR condemned the transformation of camp Moria into a closed centre: « *UNHCR has till now been supporting the authorities in the so-called “hotspots” on the Greek islands, where refugees and migrants were received, assisted, and registered. Under the new provisions, these sites have now become detention facilities. Accordingly, and in line with our policy on opposing mandatory detention, we have suspended some of our activities at all closed centres on the islands. This includes provision of transport to and from these sites. However, UNHCR will maintain a presence to carry out protection monitoring to ensure that refugee and human rights standards are upheld, and to provide information on the rights and procedures to seek asylum.* ».<sup>17</sup>

● ***An accelerated procedure... which is painfully slow***

On 3 April, due to the worrying delays in the immigration and asylum services in Greece, the Greek Parliament, as detailed below, modified the law on asylum procedures, in an attempt to accelerate the process, which is currently overseen by EASO<sup>18</sup>.

The accelerated process covers all stages, from the initial interview following an asylum request, right up to the Appeals Board<sup>19</sup>. It is bound to conform with all the provisions of the Statement’s « *procedures* ». In order to facilitate a smooth introduction, liaison officers and interpreters provided by the Member States (Austria, France, Germany, Czech Republic and the Netherlands in the main) came to reinforce the many protection officers deployed by EASO.

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<sup>16</sup> Cf. MSF, 22 March: [Greece: MSF ends activities inside the Lesvos “hotspot”](#)

<sup>17</sup> Cf UNHCR Press release 22 March 2016: [UNHCR redefines role in Greece as EU-Turkey deal comes into effect](#)

<sup>18</sup> *European Asylum Support Office*

<sup>19</sup> According to the first stage report published by the European commission, there were in early April 2016 20 Appeals boards set up to examine appeal files. According to the law adopted on 3 April 2016 by the Greek government, modifying the asylum procedure, these Appeal boards are bound to decide on an appeal for a temporary timeframe of six months, as of 4 April 2016 and until the establishment of new Appeals’ boards and a new Authority, in charge of appeals procedures.

Following the introduction of the Statement, EASO launched an appeal to the Member States for supplementary manpower, asking them to provide Greece with a further 720 liaison officers<sup>20</sup>. As of the beginning of June, only 459 had been made available to EASO by Member States<sup>21</sup>.

In April 2016, the Commission considered that it was nevertheless possible for 200 files to be processed daily as from mid-May<sup>22</sup>, provided that 400 liaison officers, with the support of interpreters, be deployed in the hotspots at that time.

The delays observed in Lesbos (and more acutely in Chios) – also recorded by EASO – in the establishment of this « accelerated procedure » show that the objectives set out in early April 2016 were, at the time of the mission, far from being achieved.

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<sup>20</sup> Cf First stage report of the European Commission published on 20 April 2016.

<sup>21</sup> Cf Table of the situation in Greece published by the European Commission on 2 June 2016.

<sup>22</sup> Cf Interim report by the European Commission on the EU/Turkey Statement (Com (2016) 231 final).

## II. FINDINGS OF THE MISSION

### A. The situation in the camps: largely influenced by the delays in setting up the procedure

Under the agreements set up by the European commission with the Greek authorities for the setting up of the Statement, the EASO agents carry out the initial interview for the accelerated process and aim to establish from the outset any possible reasons for vulnerability and carry out the necessary medical tests. They then submit their findings to the Greek asylum and immigration authorities who then pass judgement on the suitability of the request for asylum. If not judged to be apt, the applicant is then judged to be fit for return to Turkey.

This procedure is extremely slow. At a public meeting on Lesbos (*Mytilino*; 27 May 2016), the Head of the EASO Greek delegation revealed that by end of May 2016 only 1.000 asylum-seekers' files had reached the stage of first interview with the EASO.

This figure of 1.000 dossiers treated is below the objectives set out by the European commission in its first stage report, as outlined above.

In eight weeks *i.e.* from 4 April to 29 May 2016, an average of **18 files a day** at best have been processed by the EASO. This is far from the 200 daily files supposedly possible for the EASO agents to process from 15 May onwards, as projected by the European Commission. If the processing of 200 files had been achievable as of mid-May, then a total of 2.800 files should have been achievable between 15 and 30 May 2016.

Neither the EASO nor the European Commission (whose second stage report failed to revise the optimistic projections made in April), could explain the considerable delays in the establishment of this procedure, supposedly an « accelerated » process and presented as a prerequisite to a thorough asylum request process. It is very likely that the current manpower is inadequate for quick and efficient processing of asylum seekers' cases (as attested by the many requests for manpower by the EASO, of which only half were answered).

The Head of the Greek EASO delegation stated that between 20 March and end May 2016 only 1.000 interview cases had been processed, and this only with respect to the Syrian asylum seekers for whom 300 cases remain unprocessed, before asylum requests for other nationalities can be considered. Moreover, the EASO teams need to continue and increase efforts in the hotspots of Chios, Leros, Samos and Kos, where the establishment of this « accelerated » procedure has barely begun, again due to a lack of manpower.

The interpreters, when questioned, said that as well as a blatant lack of liaison officers, there is also a scarcity of interpreters for the various languages spoken by the migrants, many of whom have come to Greece from a range of countries since 20 March, even if the initial interviews taking place have been mainly with the Syrian citizens, therefore mainly in Arabic.

It is surprising that, despite the will expressed by Member States to put the Statement procedures into effect (with respect to the European right for asylum and the related international conventions), they have failed to provide the manpower needed to make this possible. Whether in Lesbos or Chios, both of which were studied on this mission, the evidence shows that resources are both lacking and dysfunctional, which implies a lack of administrative transparency, and an entire lack of regard for legal safety.

## 1. Set-up on Lesvos

On 19 March (the day after the Statement) the Moria camp was cleared of all migrants who had arrived on the island before this day; they were transferred to the Greek mainland.

All current camp migrants have arrived since 19 March 2016 onwards. Up until the end of April, they had been banned from leaving the camp, *i.e.* for the timeframe of 25 days permitted under Greek law on asylum subsequently modified on 3 April 2016, mainly as a result of the « Procedures » Directive and the Statement of the European council on 18 March 2016.

People arriving in Camp Moria – but also those sent to other camps, since it is in Moria that the registration of all migrants arriving on Lesvos has taken place since 20 March – are registered by the Greek bodies in charge of Immigration and Asylum: identity, date of birth, nationality, profession, original address, copy of identification papers (if available), are all gathered, as are digital fingerprints. At this stage they should indicate whether they do or do not wish to request asylum.

They are given a form written in Greek<sup>23</sup> with no translation whatsoever: they are simply advised, when they receive it, that they should keep it with them since it will be required for entering and leaving the camp, and that they will be compelled to show it if requested by police officers for proof of identity, when outside the camp. This ‘pass’ does not allow them to leave the island, on which they have been assigned temporary residence, until their status has been otherwise decided upon by the Greek bodies in charge of Immigration and Asylum.

The migrants are also provided, straight after arrival and before registration, with an information leaflet produced by the Greek bodies in charge of Immigration and Asylum with the assistance of EASO, in Greek, English, Arabic and in Farsi<sup>24</sup>. This **information leaflet** explains very briefly that those who wish to request asylum must advise the police immediately upon arrival, at the point of registration of identity and taking of fingerprints.

They must advise if they belong to one of the categories deemed to be « at risk », which will then be verified at a later stage (in particular for anybody who is sick or who has psychiatric issues, with a medical exam by Médecins du Monde doctors) which will allow, in the first stage, their transfer to a dedicated camp, and to receive psychological support shortly after their arrival in the camp.

It is explained to those who request asylum that if the Greek immigration authorities decide to return them to Turkey, it will be possible to appeal and to have the assistance of a lawyer. In the event that their case is deemed to be valid, they are warned that the procedure for examining their asylum request could « *be very lengthy, since the asylum services receive thousands of requests for asylum* ».

Until their case has been judged, asylum seekers will be granted « *international protection* » by Greece, will be housed in dedicated centres, allowed to work and to stay for at least five years, although not permitted, during this timeframe, to leave and set up in any other country of the EU.

According to some EASO liaison officers, the interviews have been interrupted on several occasions for alleged reasons of safety for their agents: on one or two occasions since 20 March 2016, migrants exasperated by the waiting and the lack of any information on their asylum request have expressed their discontent, sometimes violently, on the outside of the area where the EASO interviews take place, which is closed and under close watch by the police.

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<sup>23</sup> Annex 15, example of a ‘pass form’ given to the migrants upon arrival in Moria.

<sup>24</sup> Annex 19 an extract of this information leaflet

During one of these outbursts, as witnessed by an EASO officer, himself inside the building, a man tried to enter by scaling the perimeter fence of the area reserved for EASO, loudly cheered on by fellow refugees. This caused such a panic among a few EASO staff that they were all granted a week off. An officer on secondment from a Member State told us that during the six weeks of his assignment in Moria, he had barely worked for more than three weeks, due to the holidays given, which were in his opinion, far too generous.

The slow pace at which EASO is progressing with initial asylum interviews is all the more surprising since they had been completed for all Syrian applicants by the end of May, resulting in most claims being rejected. It could be surmised that these interviews had purely been a formal exercise, with the sole purpose of following the implicit objectives of the Statement *i.e.* to return the majority of migrants to Turkey, whatever their situation, whilst giving the impression that due process had been followed in terms of their legal rights.

It would seem that for the European Council and the European Commission, the success of the implementation of the Statement can only be judged by reducing the numbers arriving in the hotspots after 20 March... If this reduction in numbers is realistic<sup>25</sup>, it should neither mask nor lead to an under-estimation of the increasingly worrying situation of thousands of people, still being detained and given temporary residence in the Greek hotspots. The conditions they endure are precarious and often lacking in dignity, and the summer heat will only exacerbate the plight of those waiting for their asylum request to be evaluated.

One cannot discount the idea that these delays in the cases processing, as well as the lack of information for the asylum seekers, could be designed to be discouraging to the point of pushing them to decide to return to Turkey. This solution is deemed by some inevitable, in the poisonous context of the deterioration of the conditions within the camp, where their basic rights are openly ignored.

The immediate consequence of this unsatisfactory situation is very worrying; several months after the Statement of the European Council on 18 March 2016, there is evidence of growing tension in the camps: over-crowding, promiscuity and precariousness of living conditions are catalysts for intra-community clashes, desperate acts, rebellions on an almost daily basis and increasingly frequent outbursts of anger, frustration and impatience.

In the week of 23 May 2016 there were two demonstrations: groups of migrants arriving on foot from the Moria camp protested in the streets of the town of Mytilini to demand their « freedom ». Although just a few on the first day, they increased to over 400 by the second, before being dispersed by the Greek police.

In the night of 1 to 2 June 2016, fires were started in the Moria camp, destroying in a few minutes many tents sheltering migrants. Completely panicked, the migrants fled the camp to sleep in the ditches along by the roadside to the camp.

Questions are raised by the decision of the Greek Immigration and Asylum services to treat in priority, at Lesbos, the Syrian<sup>26</sup> case files first, albeit at a very slow pace. This has provoked questions, despair and, overall, anger amongst the asylum seekers who feel abandoned in favour of unaccompanied Syrians, even if they are mainly adults and did not appear to be particularly concerned about their personal situations, at the time of this mission.

We will show later on that the most recent steps taken by EASO, to protect themselves from migrants judged to be too dangerous, can only have have the effect to exacerbate the reigning climate of tension and to give rise to further reasons for protest.

Those whose requests were rejected by the Greek Immigration and Immigration bodies – which is the case for the majority of those who have had an initial interview – are far from reassured and are very angry: many are convinced, as heard on the mission, that the whole process is a sham, and they feel doomed, like all those detained in the hotspots since 20 March, to be returned to Turkey, regardless of their personal situation.

<sup>25</sup> Thanks in the main to naval forces sent to the Aegean Sea by NATO since 20 March 2016: the Frontex boats are supported by navy patrols comprising 7 ships which are on loan from Germany, France, the United Kingdom, the Netherlands, Canada, Turkey and Greece bound by their roles as member countries of NATO (Nato Maritime Group 2 – SNMG2)

<sup>26</sup> According to the second stage report of the European commission dated 15 June 2016 (*op. cit.*) the Syrian citizens identified on the islands by end of May 2016 totalled 2.300

## 2. Set-up on Chios

Information on the set-up of the Statement in Chios, and on the conditions endured by the people on this island (*see later C: The camps in Chios*), come from the findings of the members of the mission, and from the interviews conducted with the migrants, the UNHCR co-ordinator on the Island of Chios, as well with representatives of the Greek administration services: First Reception Service (FRS) and the Greek Department of Immigration and Asylum – known here as « the administration ».

The migrants are intercepted by Greek police immediately upon landing on the quay and taken to the main camp hangar at the Vial camp. They move from one container to the next, to be examined and registered by the various administrative sections. In the first instance they meet with the staff of Frontex, with the Greek police and with Europol. Their fingerprints are taken and their identity is summarily taken. Without any guidance they are asked to fill in a questionnaire, on a tiny piece of paper (A6 format) which has a registration number corresponding to the order of arrival (e.g. « 4530 n°40 »), and on this they must write their surname, name, nationality, and intention to request asylum.

They are notified, in Greek only, of one or two administrative decisions taken, according to their case: forced departure from Greek territory or temporary stay on the Island of Chios, with restricted movement allowed, more specifically within Camp Vial for the time required for judgement to be made on their claim for asylum.

The migrants are then registered by the *First reception service* (FRS), which formally records their intention to request asylum. Then the migrants are heard on the admissibility of their asylum request. Although the final and written decision on their admissibility is given by the Greek Immigration and Asylum services, the interview itself is delegated to an EASO officer. On Chios, the asylum seekers are interviewed without the presence of lawyers, although they do have interpreters (Arabic, Persian), or with an interpreter by telephone for other languages. During these interviews their « vulnerability » is « evaluated » with regards to the categories set out under the European directives for asylum. This evaluation is an example of a contradiction in terms in such that the categories (which are many) listed in European texts are applied in a very limited capacity. Someone who does not completely correspond to one of the categories listed in the directives (pregnant, sick, unaccompanied minor, etc) has no chance of being considered as vulnerable. Moreover, vulnerability is considered to be no more than a mitigating circumstance for non-admissibility but is not dealt with as an independent concept. According to the administration, non-admissibility is envisaged as the norm, and vulnerability as the exception.

Administrative delays are even more severe here than in Lesbos. At the time of Gisti's visits to Chios, the very large majority of the migrants being homed on the island had not yet had an « asylum » interview with the EASO agents. Most of them had yet to be formally registered by the FRS, and this was still the case for people arriving in Chios after 20 March 2016. Under-staffed, the FRS, the Greek Immigration and Asylum services and the EASO delegate were unequipped to carry out more than two or three interviews a day for a total of 2.500 people. In order to know if they were to be called for interview, the migrants had to check each day to see if their number had been posted on the list announcing the interviews to take place for the next three days. The only people who had been called for interview were amongst the Syrian citizens. The administration treats these asylum requests as a priority because they find them easier to declare inadmissible, due to the « guest » legal status of the Syrian refugees in Turkey.

On the day the mission was ending, announcements were made about the arrival of reinforced staffing for Frontex and EASO in Chios, but these arrivals could not be verified. Most of the migrants had not been heard and no non-admissible decisions had been posted. Only a few migrants had been allowed to pursue their asylum requests in mainland Greece (asylum requests that were considered admissible) on grounds of their « vulnerability ». This policy of discouragement, the lack of transparency on procedure, the delays in procedure which render them practically non-existent, are pushing the migrants to the most extreme levels of despair on Chios.

Numerous brawls have broken out, stirred up by the inexplicable treatment given to different ethnic groups and the delays in administrative procedures, as well as rumours which circulate alongside. A major fight took place on 31 March 2016 and several people, including unaccompanied minors, were injured. These facts, as witnessed by the migrants themselves, were confirmed by the administration during the mission. Retaliation and reprisals continue, according to information received during and after the mission.



During the mission, on 25 May 2016, whilst in the Vial camp's main hangar and close by the head of the Greek Immigration and Asylum services, one member of the mission team witnessed a suicide attempt. An Afghan unaccompanied minor hung himself, desperate from seeing no progress on his case. Unaccompanied minors in the Vial camp who had arrived on Chios after 27 March asked daily to be interviewed by EASO. It was frequently explained to them that they had to wait, meanwhile they would see that Syrians were being interviewed, hence an enormous sense of injustice and despair. After this suicide attempt (the victim had been unconscious during his transport to hospital and for several hours after), the protests exploded in the Vial camp, anger and despair having hit their peak.

In parallel, in the Souda camp, 21 people started a hunger strike on 15 May 2016. They demanded that their human rights be upheld and to be treated with dignity. This hunger strike was stopped only by a new and desperate act; on 7 June a fire was deliberately started in Souda Camp, which damaged the container used by the administration at the entry of the camp, but also burnt to the ground the sleeping hangar – a makeshift shelter for at least 50 people.

## B. The camps on Lesbos

According to statistics published on 10 July by UNHCR<sup>27</sup>, the introduction of the Statement has had the effect of notably reducing the number of migrants arriving on the Greek islands from Turkey. The weekly arrivals on Lesbos are now in the dozens, much reduced from the hundreds which had been recorded in the last week of May<sup>28</sup>.

The island of Lesbos has four « transit » camps: *Moria, Kara-Tepe, Matamados and Pikpa*.

The mission team were allowed only very limited access to the camps on Lesbos. Before leaving on mission, the Gisti team requested permission to visit the camps on the islands of the Aegean sea (which was sent to the Greek Home Office before the arrival of the mission in Greece). A reply was received on 19 May<sup>29</sup> stating that this authorisation could not be granted « *due to the extremely busy schedule of the coordinator of the centers* » (sic) (...). Nevertheless the mission team was able to enter the Moria camp, accompanied by a Greek lawyer who, after substantial negotiations, obtained the right to accompany the team and to make a tour of the camp. After approval from a high-ranking Mytilini official, the mission team was allowed to go round the camp, under the tight scrutiny of one of its managers, as well as to visit the Kara Tepe camp, but no interviews or photography were permitted.

The mission team was able to talk at length to migrants outside of the camps, about their conditions of arrival in Turkey and then Greece, as well on the detail of their life within camp at Lesbos. Also interviewed were several members of the NGOs present in the camps; members of EASO and UNHCR were also interviewed on their respective roles and the difficulties themselves and the migrants were faced with. The mission team has finally managed to meet the Vice-President and several lawyers of the Lesbos Bar who, in their own time (or through appointment by an NGO), help provide some legal aid to the migrants.

### 1. Moria

#### 1.2 Location

The largest camp is based 2 kms from the village of **Moria**, itself situated 15 km from Mytilini. In October 2015 this was the first hotspot to be opened in Lesbos, set up in a former military base. The migrant registration centre is run by the Greek Immigration service, with the aid of Frontex, Europol, Eurojust and with the EASO.

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#### 27

[Statistics published by the HCR on arrivals as of 10 July 2016](#)

**28** According to the head of the EASO delegation, arrivals had dropped on the Island of Lesbos to 300 in May 2016 from over 30.000 in March 2016. The second stage report of the European commission published on 15 June 2016 estimated an average of 47 arrivals per day on the islands of the Aegean sea.

**29** Extract of the letter from the Greek Home Office addressed by email to Gisti on 19 May: « *We would like to inform you that your request to be granted permission to enter the Centers of Reception and Registration (Hotspots) on the Greek islands of Lesbos, Chios, Kos, Samos and Leros and on the mainland near Athens cannot be accepted, due to the extremely busy schedule and obligations of the coordinators of the centers.* », see annex 22.

The Moria camp extends along and up a hillside for several hectares. Its perimeter is closed in by high fencing<sup>30</sup>, topped with rolls of barbed wire, designed to dissuade any climbing or crossing of this fence. Although designed to hold 2.000 people, by the end of May there were just over 4.000 people in the camp, of all nationalities (1.300 Syrians, others being mainly Afghan, Iraqi, Pakistani, Eritrean, Ethiopian, Congolese, Malian et Gambian), adults and children.

### 1.3 Topography

The Moria camp has two entry points:

- The main entrance, at the base of the camp and flanking the access road to the camp, is guarded by the police. Through here pass the Greek forces of law and order (Greek Immigration service, police, army) and other officials (EASO, UNHCR, ICRC, Greek Red Cross, MDM, Praxis, Save the Children, and any other accredited NGOs, and finally the lawyers who visit their clients). Also allowed to pass through are the migrants (from the camp or from other camps) when called for their EASO interview, or for appeals when an asylum request has been refused. The migrants based in Moria camp – with the notable exception of unaccompanied minors, who are confined in a special camp area – may leave camp and circulate freely on the island, but until their asylum request has been approved they cannot leave Lesvos (where they have a de facto compulsory order of residence).
- The other entrance, mostly closed at all times, is at the top of the camp. It is exclusively reserved for escorted entry by law enforcement, and for registration of new arrivals by the police.

Containers used as offices for camp administration are in the lower part of this area, in a closed off and secured area. Here also can be found the containers used for medical visits; some other containers are assigned to families with a larger number of small children.

#### ➤ *The closed section for unaccompanied minors: an unjustifiable confinement*

This part of the camp contains a large sub-section; with restricted access and fenced in<sup>31</sup>, it comprises 15 containers which house the **unaccompanied minors, aged from 11 to 18 years**<sup>32</sup>. These containers are laid in two parallel lines with a scattering of mattresses between them, upon which (during the camp visit) various minors were lying upon and chatting.

These young people, about 100 in number, are routinely detained in this closed and locked area, to which the other camp migrants have no right of access. Only the police and people linked to the governmental agencies working in Moria are allowed access. There are boys only (the unaccompanied female minors are very few in number and are based in Kara Tepe camp), and they are not allowed to leave the camp, as opposed to the rest of the camp migrants who can come and go freely.

At the time of the Camp Moria visit, the mission team was not allowed to visit the inside of the minors' camp section.

Some of the minors watched attentively and with an obvious degree of curiosity, watching through the fence but unable to put their hands through the wire to shake hands.

#### ➤ *The migrants' tents in Camp Moria: promiscuity and danger*

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<sup>30</sup> See photos in annex 5

<sup>31</sup> The UNHCR, visiting Lesvos in June 2016, was appalled at the conditions in Moria camp for unaccompanied minors: M. Zeid was indignant "*Despite being unaccompanied minors they are often placed in prisons cells or in centres surrounded by barbed wire fences*" (Cf. press article AFP of 13 June)

<sup>32</sup> See photo in annex 1

The migrants' tents are situated on the edge of this lower camp area, on the left and above the entrance area – as well as in the central area of the camp. These tents<sup>33</sup> are all bivouac tents (e.g. intended for 2 people, but often holding 3 or 4, if not an entire family).

The tents are laid out side-by-side, with little or no space for privacy or open space for any of the migrants. Their fixings on sloped ground appear to be very fragile, often reinforced with stones placed here and there.

UNHCR reports that the tents have been divided into sections according to the various nationalities, to prevent clashes between the different ethnic groups, within an environment ripe for friction, and a heightened risk of promiscuity. As such, the Pakistani group is kept at a distance from the groups with which they are said to have had tense relations.

➤ ***The distribution of meals: meagre rations served in a climate of high tension***

The meals container, where the three daily meals are served, is to be found in the central area of the camp. This is where all the camp migrants come, morning, noon and evening, to fetch their food rations (morning: a biscuit and juice; lunch and dinner: macaroni, served with water and bread). These rations are generally insufficient and mediocre in terms of quality. This poor level of food quality drives many to leave the camp each day to buy provisions from the temporary stalls surrounding the camp. The more adventurous go as far as the village of Moria to look for provisions.

Camp tension is palpable in Moria, due to the obvious level of promiscuity which pervades and the unbearable waiting with no information forthcoming. Tensions rise quickly at mealtimes just beside the meal distribution points, according to the migrants themselves and also volunteers and members of the NGOs based at the camp. Clashes occur on an almost daily basis, with food queues often disrupted by violence between citizens of different nationalities, obliging the forces of law and order to intervene to calm things down.

● ***The high security EASO area***

On the left side of the camp, mid-way up the hill, a large enclosed area holds about 10 containers and they are laid out with a central open area. This area is heavily guarded by police<sup>34</sup>. The containers act as offices for the EASO officers and, like the camp administration containers, they are equipped with air conditioning. This area is where the EASO officers receive migrants for their interviews, in the presence of interpreters. The migrants called for interview are called by loudspeaker; the list is updated each day by the Greek Immigration and Asylum Services and conveyed to the coordinator of the EASO camp teams.

In June 2016, EASO contracted the private security company G4S, and its agents are deployed within this area where the interviews take place. The choice of G4S is quite provocative on the part of EASO, following reports of the misjudged behaviour of G4S employees towards minors in a detention centre they were hired to protect. G4S is sadly renowned for its bad track record in terms of mistreatment and dubious behaviour<sup>35</sup>, in fact for abuses of all types (abuse of minors in detention centres, mistreatment, racist and aggressive behaviour towards foreigners, trafficking etc...) committed by its employees while on surveillance duty, and for which it was judged at fault at least 100 times since 2010!<sup>36</sup>.

The high level of security around the interview area, added to the lack of precise information on the asylum process once the migrants are in the camp, adds to the tense atmosphere within this area.

This highly secured enclosed area where the EASO agents try to give a semblance of legality to their almost 100% rate of returns to Turkey of those on the other side of the fence, concretizes very clearly the aim of the European Commission: to protect the Europeans from the migrants, deemed hostile and threatening, who must be chased away from Europe.

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33 See photos in annex 2

34 See photo in annex 1

35 Cf. The Guardian, May 2016 [G4S paid for its failure to protect children](#)

36 Cf. The Guardian [G4S fined 100 times since 2010 for breaching prison contracts](#)

### ➤ *Camp areas for health and hygiene*

The top part of the camp is set aside as a health and hygiene area: containers are used as medical offices for doctors from the « Médecins du Monde » NGO, where they can carry out patient consultations, and the nurses and auxiliaries can dispense basic medical aid and monitor the health of those who need to be under observation. Patients requiring more serious medical care are sent to the Mytilini hospital, or even to Athens if the local hospitals cannot provide the healthcare needed.

Finally, at the very top of the camp are showers and camp toilets.

#### 2. Kara-Tepe

In contrast to Moria, the Kara-Tepe camp, situated 5 km from Mytilini, is almost a model camp. It is linked to the Mytilini town council and it is run by Praxis, a Greek NGO; it can accommodate 1.400 people. Currently, less than a thousand vulnerable people (unaccompanied female minors, or families with young children) are living there. Each family is lodged in their own tent, similar to those found in other camps and supplied by UNHCR, and there is enough space in and out of the tents to keep promiscuity at bay.

Children under ten years of age are given schooling in their own language; lessons and leisure activities are organised each day. As in Moria, Syrians are the major ethnic group. All those resident in the camp arrived after 20 March 2016.

Meals are served tent by tent, thus avoiding a queuing system and inter-group clashes. An MDM team is available on-site to provide daily medical consultations.

Transport to and from Moria camp for EASO interviews take place each day.

While the camp is strictly controlled to prevent any non-official person accessing the camp, the fences are not high and an absence of promiscuity gives the impression of a very calm camp where people are sheltered and cared for with dignity. The waiting period is nevertheless, also long for these camp migrants, especially for the non-Syrians who, two months since their arrival have yet to have their EASO interview.

#### 3. Matamados

Situated an hour from Mytilini by car, on the outskirts of the small town of Matamados, this open camp is co-managed by the NGOs MSF, Save the Children and Praxis. It caters for unaccompanied minors who appear to be<sup>37</sup> held in good conditions and they have access to sports activities, education and an adapted framework for their needs. It can hold up to 500 people and they are far from reaching that number, as only 62 young people have been transferred there from Camp Moria so far.

The minors, who are not enclosed here, seem to be well treated. It is difficult to imagine why the Greek Immigration and Asylum Services would not be able to immediately transfer there the unaccompanied minors currently held in Moria, in poor conditions which fall far from the required norm.

#### 4. Pikpa

This small capacity camp, which the Mission team did not have the opportunity to visit, is located just outside the Mytilini airport and is also set up to accommodate minors. No particular issues were conveyed to the Mission team with regards to the conditions and the running of this small camp.

### C. **The camps on Chios**

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<sup>37</sup> The NGO representatives running the camp did not want to grant access, in the interests of the unaccompanied minors based there.

All migrants who were already on the island of Chios before 19 March 2016 were transferred by the Greek authorities to mainland Greece. It seems, without exact confirmation, that the authorities had received instructions to « clear the decks » for the new arrivals to the island, many of whom would be now subjected to a restricted level of freedom and a different procedure for asylum requests.

On the day after the Statement, the Greek authorities stopped all freedom of movement for migrants arriving irregularly on the island from Turkey, after midnight on 19 March 2016. These people were placed first in Vial Camp, the only official « *First reception centre* » (FRS) on Chios.

Camp Vial, with a capacity of roughly 1.100 people, was quickly over-populated. Moreover, inter-ethnic conflicts and violent clashes occurred in the last days of March, resulting in several people being injured. Some people were kept in Vial, and others were « transferred » to a second camp, less well-equipped, known as Souda.

Because of the numbers kept on the island of Chios and the lack of capacity in Camp Vial, a third camp area was set up informally in the centre of Chios town, although tolerated by the municipality, with the support of the Mayor.

Camp Vial is run by the Greek army, whereas the other two camps, Souda and Dipethe, are not really overseen by anyone. They are tolerated by the authorities, who mention them in their public communications, but they are not acknowledged by public bodies. The « authorities » (FRS, UNHCR) share a single container at Souda, and have no presence at all in Dipethe.

The reports by NGOs HRW, ERP and Amnesty international, as well as those by « *Refugee trail* », give a picture of the situation prevailing in Chios from end March to mid May<sup>38</sup>.

## C.1 Topography and material conditions

### 1. Vial

Camp Vial is managed by the Greek army and is set up on the site of a disused aluminium factory. It is 10km from the centre of town, ringed by a fence and inaccessible by road<sup>39</sup>. There are no means of public transport to get there. A return taxi trip costs about 12 € but can be negotiated down to 10 €.

The camp lies on the top of a dusty hill. Within the camp itself are two zones (A et B), both closed in by fencing, with basic UNHCR containers used for sheltering migrants. Each container has two or three bunkbeds, and at the time of the mission they were each holding an average of 10 people. They have small windows with a blind and basic air-conditioning which works intermittently. They are set very close to each other; the few showers and toilets available are outside the containers. In general, there is no mix of male/female, but the way in which they are laid out does not permit any real level of privacy or security, especially for the women housed there. The showers have only cold water, even in the winter, and many people have complained about this, especially women when trying to wash their hair or their children.

At the centre of the camp is a large hangar holding the containers used by the various administrative teams and the few NGO operators who are allowed access to the camp: Frontex, Europol and the Greek police; FRS (two or three containers); EASO and the Greek asylum services (two or three containers); UNHCR (one container); MDM (one container), Praxis. The police and the Greek army have extra containers. The presence in the containers of young women from the Horn of Africa (*e.g.* Erythrea) had been reported to the mission team, who could not verify.

The sun is very intense outside the containers and Camp Vial is windswept and dusty. These conditions lead to the *de facto* corralling of the Camp Vial migrants to the inside of the containers, thus depriving them of the chance to meet and communicate in the daytime, as it is too hot outside. The entrance of the hangar inside Camp Vial, reserved to the

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<sup>38</sup> Amnesty International, [Greece: Refugees detained in dire conditions amid rush to implement EU-Turkey deal](#), 7 April 2016; Human Rights Watch, [Greece: Asylum Seekers Locked Up](#), 14 April 2016; see also the [Refugee Trail site](#)

<sup>39</sup> See photo in Annex 3

administration and where there is some shade, is accessible only to the people tallowed by he administrative teams to come for interviews.

## 2. Souda

Camp Souda was established at the end of March by the administration and council of Chios in order to ease the overcrowding at Camp Vial; it is set up in the old moat of a fortress in the town centre. The camp extends along a narrow basin which curves in a semi-circle around the old fortress<sup>40</sup>.

At Souda, the containers are the exception to the rule. Two hangars serve as collective sleeping areas, where the migrants have to sleep on the ground, and where promiscuity is a high risk. UNHCR provides blankets, plastic sheeting, groundmats (often too few in number). To avoid having to sleep in these cramped hangars, some people have built makeshift tents on the ground outside. These tents are unhygienic and unsafe. The plastic sheeting is insufficient to protect them from the rain, and attached only by branches or unfixed metal bars. The mission team witnessed on 26 May 2016 a 60 year old woman losing consciousness after being struck on the head by a metal bar. She was hospitalised for several hours for tests, then sent back to Souda Camp by the hospital staff in Chios who instructed her family to wake her every two hours to prevent a severe risk of coma.

Camp Souda migrants also have to deal with insect invasions within the tents, the sleeping areas being at ground level. They have two rudimentary camp beds for six people, three of whom are children. A migrant showed a member of the Mission team two vipers he had killed that had entered his tent near and his children's tent. These events had badly shaken the family, in particular the children and the grandmother.

The containers in Camp Souda which are located beside the showers and the toilets are placed on a ground infiltrated with dirty water, puddles of which can be found under the floorboards of the container. These puddles are infested with leeches; a sickening sight.

Neither Vial nor Souda are equipped with fire alarms. On 7 June 2016, a fire started near the administration team's container at the entrance area of the camp, where hunger-strikers were protesting, all seated. It spread in one of the hangars where almost 100 people were sleeping at ground level; their sleeping bags and their few personal possessions were destroyed. The likelihood of another fire in Chios causing serious injury is very high. Notwithstanding, the sole precaution put in place by the authorities was to protect their employees and those of the on-site humanitarian organisations.

## 3. Dipethe

Camp Dipethe is in the town centre, beside the mayor's office; it resembles a small urban shantytown. It has no containers, and only one shower. Its only level of 'comfort' are blankets on the ground and waterproof covers stretched over on tent pegs, branches or metal bars, in an attempt to provide some shade. There are also some tents.

Three hundred people are living there, in extremely precarious conditions. This camp is very visible to passers-by, and with the summer heat beating down, the migrants tend to stay in the shade of their tents to avoid being looked at. Others wander into the town centre to pass time, or go in a park opposite the camp, where trees provide a welcome bit of shade.

## C.2 Population

At the time of the mission, the numbers of migrants kept on Chios had reached more than 2.500. Around 1.200 are in Camp Souda, and between 200 to 300 are in Camp Dipethe.

The migrants at Camp Vial are mainly Afghans and Syrians, but one can also find Pakistanis and some Iranians, as well as some people from sub-Sahara Africa and the Horn of Africa. There are many families, mainly Afghans, but also Syrians, even if the Afghans present are mostly single men. The mission team observed a large number of unaccompanied Afghan minors, aged from 14 to 17, families with young children, pregnant women, and single women.

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<sup>40</sup> See photos in annexes 4, 5, 6, 7

Many people interviewed complained of health problems and showed evidence of medical documents from their own countries or medicine packets, now all empty.

People in **Souda** and **Dipethe** are mainly Syrians; some are Kurds or Palestinians from Syria. There are also Afghans, Iraqis, but also some Egyptians and a hundred or so from Northern Africa, Tunisia or Morocco. Migrants from the Horn of Africa are in both camps but are obviously keeping their distance from other nationalities. In both camps are quite a number of small children. The mission team was also able to observe the presence of many pregnant women, single women with children, wounded people, on crutches or with bandages or in makeshift wheelchairs.

### **C.3 Restrictions to freedom, access to camp and access to camp zones**

Since mid-April Camp Vial is no longer completely sealed off. Migrants there are free to come and go. Since 28 May, buses have been provided by the municipality to ensure two trips a day (each bus has a capacity of 50) from Vial to the town centre of Chios.

The entrance to Camp Vial is guarded by the police or the military; where all external people need official authorisation to enter the camp. The mission team was able to establish communication with the police and with the co-ordinator of *First Reception Service* who came to meet them outside of the camp at the police request.

When a person external to the camp wants to meet with a detained migrant, he/she is advised to call by mobile phone and to invite the migrant to step out of the camp. All visitors are banned from accessing the inside of the camp, where are the accommodation containers, enclosed by barbed wire fencing. The mission team, at the urgent request of the migrants themselves, was only able to access these accommodation containers unbeknown to the Greek army guarding the camp.

The central hangar of the camp is under restricted access. It is monitored by police and no entry is allowed without official authorisation by the administration team, or without an official appointment with the administration or the NGOs operating there. These tough restrictions for access to the « administrative » hangar directly restrict and impact access to rights and to care services by the Red Cross, the Greek Médecins du Monde and the UNHCR.

Camp Souda is theoretically subject to the same restrictions: it is easier for the migrants to leave than for visitors to obtain access. The two camp entrance points are guarded by a policeman, or by someone in charge of security who block visitors, but whose mission is not obvious.

Camp Dipethe is not closed, and, if anything, is subject to a constant procession of people passing through. In effect, any type of « control » is managed by volunteers from the various NGOs, such as *Samaritans Purse* and *Norwegian Refugee Council*, who take on the role of « guardians » for this very precarious camp.

### **C4. Services**

#### **➤ Meals**

At Camp Vial, meals are distributed three times daily. The queue for receiving meals is long and the wait can be for several hours in the baking sun<sup>41</sup>. After several fainting episodes the administration consented to a single person per container to collect the meals for all migrants in that container.

Many people complain that the food is poor in quality and would prefer not to eat it, despite the hunger. The mission team noticed that these meals are served on trays, frozen or defrosting. The tray contents would suggest that the servings are insufficient, and visibly poor in quality<sup>42</sup>. There are potatoes, lentils, sometimes pasta, with a piece of bread and an orange. Most people survive on what is distributed: a carton of juice, bread and some starchy food, stocked in crates between meals. The more fortunate buy their food at the kiosk set up outside the camp, or in the supermarkets in the town centre.

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41 See photo in annex 8

42 See photos in annex 9

Afghan unaccompanied minors at Camp Vial confirmed to the mission team that they have no choice but to work for the local farmers, earning a very basic hourly rate, in order to have some money to buy some vegetables to cook.

At Camp Souda, no meals are provided by the authorities. The free distribution of food relies entirely on the efforts of the humanitarian organisations. This food aid is a 'token' measure; it is not nutritionally adequate, and is not in line with the recommended minimal food standards set by the World Health Organisation (WHO)<sup>43</sup>. The humanitarian organisations present in Souda made a study of the actual food intake within Camp Souda, in relation to the WHO recommendations. The results show that the migrants have a daily deficit of between 200 and 1300 kcal, depending on the meal served and on the age of the person. The evening meal amounts to no more than a basic vegetable soup or a salad. Children under the age of two receive only one meal a day.

#### ➤ *Access to medical aid*

Medical aid provided by the Greek authorities for migrants on the islands, and more specifically in the camps, is manifestly insufficient.

Any diagnosis of illnesses is almost impossible; the same can be said for first aid. With very precarious health conditions in the camps, the risk of infection and secondary infection is very high and a real risk for people who are already weak and malnourished. In the camps there is no provision for helping people with psychiatric problems, despite the fact that many migrants have fled particularly traumatic scenes of armed conflict. Many among the migrants met during the mission underlined the inadequacies of the medical services available.

The Greek Médecins du Monde, the Red Cross and Waha all have teams on the ground and share containers at Camp Vial and Camp Souda. At Camp Souda there are only two doctors for about 1.200 migrants. The exact number of doctors available in Camp Vial is unknown. The doctors do not move from their containers to do 'home visits' to the migrants in their tents or shelters. As such, any migrant too weak to get to the medical container in the heat, or who does not have the help of fellow countrymen able to translate for them, will not be seen or examined and will be deprived *de facto* of any medical assistance.

#### ➤ *Education*

Children are not under the specific care of any group and, as such, receive no education. They are left on one's own for the whole day. All of them have endured great trauma during their traumatic journeys to exile, but despite this they are not provided with an appropriate level of psychiatric support. They have no toys, but they openly seek stimulation and affection. They will play with rubbish or with potentially dangerous objects. The camp conditions are particularly dangerous for them, especially the barbed wire fencing where injuries are an everyday occurrence. Some migrants, who were teachers in their countries of origin or who are more educated than others, have taken the initiative of giving English lessons or to teach class in Camp Vial<sup>44</sup>. Under a baking sun, the small group assembles in the shrubbery which surrounds the camp. (see photos).

The isolated minors are not locked up (as in Lesvos) but nonetheless they have no access to child support services. When interviewed on this issue, the Greek employees of the camp administration explained that the Greek legal prosecutor, who is supposed to act as the legal representative for these minors, had been made aware of their situation. However, the powers to assist and intervene are only activated once these young people have been transferred to an adapted accommodation. As yet, no adapted accommodation has been allocated for the unaccompanied minors in the Chios camps and by extension, they have not yet received any level of protection since their arrival, *i.e.* between 20 and 29 March 2016.

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43 See photos in annexes 10, 11

44 See photo in annex 12



### III. LEGAL AID AVAILABLE TO MIGRANTS HELD ON THE GREEK ISLANDS OF THE AEGEAN SEA SINCE 20 MARCH 2016

#### A. The general context of legal defence available to foreigners in Greece

Prior to the team mission to Greece, Gisti had contacted several providers of legal assistance working on the ground in Greece, in order to get a measure of the reality and efficiency of the legal assistance available to migrants, especially in relation to what is required by the EU-Turkey Statement of 18 March 2016.

In Athens, Gisti met with legal teams from several organisations set up to defend the rights of migrants and their right to request asylum in the presence of a lawyer. Despite efforts to make contact, Gisti was unfortunately unable to meet with the *Greek Council for Refugees* (GCR).

The capacity of these teams is as follows:

At the time of the mission and for a period of several weeks prior to this, almost all the lawyers of the Greek bar were on strike. Although migrants' law, because it is considered as « urgent matters » was not a legal area directly affected by the strikes, there are few specialised lawyers practicing in this area in Greece. Moreover, although the Greek judicial system theoretically provides for legal aid, free legal advice and legal aid schemes are not available for illegal immigrants in practice.

The imbrication of European norms, particularly the asylum directives and the « Dublin III » regulation, as well as the recent change in Greek law, makes it all the more difficult to find enough Greek legal experts having an expertise in the defense of the migrants.

The *Greek Council for Refugees* (GCR) is the main Greek association providing legal aid to migrants in Greece. As a member of ECRE (European Council for Refugees and Exiles), it has assigned about ten lawyers to work in this domain, either paid by the association or working independently. The GCR studied and condemned the introduction of the new Greek law on 4 April 2016, which was rushed in as a result of the EU-Turkey agreement of 18 March 2016. The GCR coordinates all the case files and represents the cases of individual migrants, although mainly on the Greek mainland.

AITIMA and the *Ecumenical Refugee Programme* (ERP) are two other organisations based in Athens. They have a combined staff number of about a dozen people (all salaried); they were interviewed by the mission team. Both organisations have a 'jurist' on their team and are both *de facto* specialising in the defense of people stranded on the Greek mainland, who want to re-unite with members of their families, or of asylum-seekers elsewhere in Europe (especially those who are victims of the « Dublin III » regulation, or who are seeking « family reunification »). AITIMA and ERP both give legal and political support to the work carried out by the GCR, and to other legal defense organisations assisting in foreigners' rights, in particular in the transmission and signature of press releases of tribunes. They are not, however, in a position to provide logistical support or concrete legal aid to other legal teams working on-site.

The *Greek Forum for refugees* (GFR) provides pro bono legal advice to the migrants in Athens. Among others, it relies on the support of « community workers » and their interpreters who come to help the migrants in the center of Athens and in the camps on the outskirts of the town. Since April, the GFR have been trying to help the migrants to obtain their initial interview for requesting asylum, using Skype. This is an unavoidable first step to be able to access the asylum procedure, but it is completely congested. The GFR has denounced this is an appalling example of the inefficiency of the asylum process, which takes up all their legal aid capacity.

The organisations met by the Mission team when in Athens are completely saturated by the scale of the rights' violations witnessed by the migrants on mainland Greece, but not only in Athens, also in Thessaloniki, at the border of fYRoM (former Yugoslav Republic of Macedonia) at Idomeni. More than 50.000 people are still « trapped » following the closure of borders and they endure interminable delays in obtaining a « pre-registration » interview in very poor living conditions. Greece and its lawyers are crushed by the extremely difficult political and economic situation. The islands in

the Aegean Sea are quite easy to reach from Athens, but the links between the islands are limited. It is quite a challenge to go there to defend migrants.

The Greek lawyers, when defending the migrants trapped in open air confinement in the islands of the Aegean Sea, face an extremely difficult task.

Charity organisations based abroad will, in as much as they can, finance the fees of the lawyers hired to defend the migrants, on Lesbos and on Chios in particular. The main charities are the German organisation Proasyl, and Doctors without Borders. Smaller and less well known organisations, or foreign lawfirms, also contribute towards the lawyers' fees. Aside from a few rare practitioners (the exception, rather than the rule), the only way for a lawyer to defend migrants is to be financed by an association, from Greece or from abroad. There is apparently no real co-ordination between these different entities, even if the GCR and Proasyl have worked together in urgent cases in the European Court of Human Rights.

### **B. Findings of the mission: a serious disregard for procedure**

It is clear that the information available to the asylum seekers in the Greek hotspots (especially in relation to the legal assistance available) is deficient, and sometimes does not exist. This lack of information, along with the lengthy delays in obtaining a preliminary interview, is the direct cause of the harsh tensions experienced by the migrants: non-Syrians migrants, three months after their arrival, still have no information on their status and only ever received a small piece of paper written in Greek, being told it was their access permit allowing them to circulate on the island, although they were not allowed to leave.

At the end of May 2016 chaos reigned in the Greek hotspots<sup>45</sup>. Although the EASO interviews take place daily, only a quarter had taken place in Moria, and on the other islands they had barely begun. Most of the cases examined by EASO have been rejected by the Greek Immigration and Asylum Services, and most of those rejected have launched an appeal to the Appeals Board. The presence of a lawyer at this stage in the procedure is not only strongly advised, but also prescribed in the law; the authorities in charge of the asylum procedure are supposed to ensure this is provided.

Nevertheless, legal aid for asylum seekers does not seem to be a priority for either the Greek Immigration and Asylum Services and the EASO: very few is done to allow asylum seekers, as stated by the law, to be advised and assisted, even *pro bono* if necessary. This worrisome gap is accompanied by a stark lack of lawyers and local NGOs with jurists trained to oversee the legal aid of migrants with the asylum-seeking procedure.

The fact that the procedure is « accelerated », in the initial phase for asylum seekers arrived since 20 March 2016, does not exempt Greece from respecting its legal obligations as set out by the « procedures » Directive.

These procedures are as follows:

- the right to be informed of the procedure to follow, explanation of the various steps in the process;
- explanation in a language that the migrant understands;
- the right to the presence of an interpreter;
- the possibility to contact the UNHCR;
- the right to legal counsel, free of charge if need be;
- the right to have access to the main information sustaining any decision taken, in a language they understand.

These two last points are essential in the framework needed for the asylum seekers appeals against rejection decisions taken the Greek Immigration and Asylum Services for any appeal to be « effective » under article 47 of the EU Charter of Fundamental Human Rights.

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<sup>45</sup> Considering that migrants arriving before 20 March had all been transferred to the mainland, leaving on the islands only those who were to be subject to the Statement of 18 March 2016, since they arrived after the cut-off date of 20 March.

- As things stand a great many asylum requests from migrants arrived from Turkey from 20 March onwards have been deemed ineligible by the Greek Immigration and Asylum Services.

#### 1. The situation in Lesbos

During the individual interviews conducted by the Mission team, with migrants (for the most part outside Camp Moria), as well as with lawyers on Lesbos, and with GOs or NGOs (UNHCR, EASO, *Greek Council For Refugees*, MSF etc.), it was clear that people seeking asylum (the case of most of those arrived since 20 March 2016, according to EASO) are being sorely deprived of the procedural guarantees they are entitled to. The main element missing is that of any legal aid.

##### ➤ *Lack of manpower*

Lesbos is the largest of the Greek islands in the Aegean Sea where are registered the migrants crossing from Turkey. The Bar of Mytilino, capital of Lesbos, has 160 lawyers. Only about 20 of them are practising consistently in the area of asylum rights; these include those who practise on behalf of a local NGO (ex: *Greek Council of Refugees* which has assigned one lawyer for the whole island of Lesbos, who is already overloaded with requests for aid and is now refusing any new cases). Although some lawyers from Athens practise in asylum rights could theoretically intervene to offer aid on Lesbos, these lawyers rarely travel and tend to work in conjunction with the local representative who must, at the very least, have the reflexes and relevant knowledge in the subject matter.

##### ➤ *Insufficient funding*

In addition to this worrisome lack of manpower there is also the problem of funding available to pay for legal aid. The impecuniosity of the majority of the asylum seekers and the dire Greek economic situation would explain the extreme lack of legal aid for asylum seekers. The crisis which Greece is faced with is such that the State is no longer in a position to provide any legal aid. This crisis affects all sectors, including lawyers, who do not appear ready or able to spend any significant part of their time to provide *pro bono* services, even if they are trained to practise in this area.

The Mytilino Bar requested up to 500.000 € from the European Commission to fund the legal aid which the Greek State cannot provide. For the time being this request to the Commission has had no response. The Mission team managed to meet the Vice-President of the Lesbos Bar, was very clear: aside from the basic training offered EASO, the Bar would be very keen to benefit from training sessions in asylum legislation, to allow the intervention of more lawyers.

The Bar would also like funding support from European bodies, without which a more serious level of aid for asylum seekers would be severely compromised. The only salutary intervention in this difficult situation comes from MSF. The organisation has put in place a pool of six or seven Greek lawyers experienced in asylum law. These lawyers work mainly on cases in the Appeals court: after a rapid review of the case file and an authorisation from MSF, the pool lawyers receive 250 € per case; these funds are set aside by the NGO for this purpose.

##### ➤ *Lack of information*

The findings show that the Lesbos situation is far from satisfactory: aside from the very short information leaflet which the EASO had started distributing at Moria in the second half of May 2016<sup>46</sup> (Cf. point A 1 below on Moria), the migrants interviewed, especially the non-Syrians, had been given no further information on their future options, on the rights they can claim and the support network that they could consult to request a lawyer or any local NGO offering legal aid for asylum seekers.

This lack of information is such that the paper<sup>47</sup> given to each new migrant arriving in Moria or in any other camp on Lesbos, which is given as a « pass », is still exclusively in Greek, a language which most migrants neither speaks nor reads. Those who have this « pass » are completely unaware of the importance of the informations given in this document; they have only been told that they must keep it with them when they move on the island.

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<sup>46</sup> See document in annex 19

<sup>47</sup> See document in annex 15

The right to free legal aid if necessary implies that the asylum seekers can access a list of local lawyers, that they can contact one of these and confer with him/her. These basic rights are not respected in Moria and, more generally, in the other camps on Lesbos. The EASO and UNHCR staffs recognise that most asylum seekers<sup>48</sup> have no means of finding out the names of lawyers and/or the NGOs present in Lesbos in order to obtain any advice. Moreover, these lawyers have no access to camps if they do not have a specific invitation. Only by the end of May did the EASO attempt to breach this huge gap by putting up near the interview area notices giving a list of local lawyers.

### ➤ *Material obstacles*

To compound the alarming lack of legal aid, there is also the issue of the restriction of movement for lawyers in Moria – a problem shared by the NGOs attempting to provide legal aid. Despite the explicit directive requiring a legal presence for all, as set out by the Commission, ratified by the European Council in its Statement, lawyers cannot enter the camps without proof of personal mandat, while only few migrants are actually able to request their services before the lawyers enter the camp.

For those lawyers who manage to enter Moria camp (less and less, and by June 2016, practically none could) the practise of law has not been made any easier; this has impacted the asylum seekers as a consequence.

Whether independent lawyers or acting in a legal capacity for an NGO (such as the *Greek Council for Refugees*), those who provide assistance told the Mission team that no area, office space or otherwise, had been provided to offer a level of confidentiality or calm for meetings with their clients. For the most part, therefore, meetings take place in camp alley ways, standing up, with constant interruptions by passers-by who stop, listen, interrupt etc.

Moreover, the Greek lawyers speak neither Arabic, Farsi, Kurmandji, French or any other of the languages spoken by the asylum speakers. Communication is therefore very brief, basic, or downright impossible. The only help given to the lawyers is from the occasional camp resident who can translate from Arabic to English (although not every Greek lawyers speaks English). This is therefore not the ideal solution, both in respect to people's privacy and to the accuracy of the information exchanged between the lawyer and the client.

The absence, within the camp, of a basic assigned area in which to receive clients, shows the low level of assistance given by the Greek Immigration and Asylum Services and by the EASO – who could ask the Greek authorities to intervene; something which appears not to have been done, or at least not with any great enthusiasm or tangible results. Nevertheless, this was expressly noted as a requirement in article 20 (I) of the « procedures » Directive.

### *Latest developments: from bad to worse...*

- a) The events of early June 2016 give an insight into how poorly cases at the Lesbos Bar are financially supported by the European authorities; demands which are nevertheless wholly legitimate. The amounts provided per case are derisory especially in comparison to the aid given to Turkey.

The Greek Appeals Commissions have, until now, mostly invalidated the decisions taken by the Greek Immigration and Asylum Services and by the EASO, who have been systematic in their rejection of asylum requests (with the exception of two isolated cases), and have refused to consider that Turkey is a safe country. Thus infuriating the EU Ministers of the Interior who, during the Justice and Home Affairs Council on 9 and 10 June 2016, could barely hide their frustration with this situation.

Decisions have been taken to end, without delay, what the European authorities considered an insufferable display of independence on behalf of the Greek Appeals Commissions, which could compromise the objectives of the Statement (with respect to the target figures mentioned earlier). Brussels has therefore required that Greece immediately modifies the law in relation to the Appeals Commission, which until now had three representatives from the Ministry of the Interior, from the National Commission for the Human Rights, and from the UNHCR.

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**48** Aside from the very few lucky ones who can speak English, who manage to contact a lawyer on Mytilino (by finding their number on the internet via their mobile phones), and who have financial means to pay for any services rendered.

The proposal is to replace the first two with professional magistrates (with no specific knowledge of asylum rights).

On 16 June 2016, after an initial rejection of the amendment proposed to change the asylum law, it was re-introduced and adopted (as well as the law for economic development). The Appeals Courts will now be composed of two magistrates, to be appointed by the Commissioner General of the administrative court, and one UNHCR representative.

This amendment<sup>49</sup> removes from the asylum law article 62 (1)(e) which had supported the right of the claimant to request an individual interview with the Appeals Commission, until up to two days before the date of a court hearing. The Appeals Commission, with its new set-up, will be the only body to decide on each case. One could imagine that any written observations will be either non-existent or extremely brief.

The forced passage of this amendment, along with the law on economic development, has raised lively debate in the Greek Parliament, some saying this is unconstitutional. The same criticism was raised by members of the Greek National Commission for Human Rights; the replacement, to oversee the administration of the Appeals Commission, of Home Office officials with magistrates from the legal body, had already judged contrary to the Greek constitution by the Constitutional Court in a similar case.

b) In addition to this spectacular intrusion from Brussels in Greek Home Affairs, by imposing the immediate amendment of a law in order to neutralise trouble-makers and other defenders of liberty and of the law, orders were given on-site to refuse access to the already struggling lawyers in the camps on Lesbos, to stop them from helping the asylum seekers during their interviews with EASO and at the Appeals Commission stage.

A protest of unprecedented proportions then followed: the Lesbos Bar ruled on 9 June 2016 to challenge the EASO before the courts for obstructing the practise of law and for preventing the migrants from exercising their rights to legal assistance. We are very far from the engagements bound by the Statement to uphold the law and its international conventions.

Rarely has Brussels been so forceful in its opinions in the openly cynical pursuit of its goals with so little shame and such scant regard for their legal validity. One could easily believe that the implementation of the European migration policy is so important that Brussels will now stop at nothing to push it through!

## 2. The situation on Chios

The grave lack of legal assistance on Lesbos is even more marked on Chios, and this is corroborated not only by people on the ground there but also by the Mission team. From 25 to 27 May, the Mission team (along with Me Katerina Kanellopoulou, lawyer at the Athens Bar) interviewed almost 100 migrants, firstly in the three camps of Vial, Souda, and Dipethe, but also in the town center, cafes and parks. Gisti also met with German law students and with a British lawyer working for a Swiss NGO (running a « *legal info point* » on Chios, which can give general information but not individual legal advice). Aside with the interviews mentioned earlier that took place with the Vial administrative team, the Mission team also met with temporary members of the UNHCR team, who regularly meet with the camp migrants to try to resolve individual problems where they can, within the very strict limits of their capacities.

A significant proportion of the migrants encountered had only ever received an administrative document written in Greek, with neither translation nor explanation of the steps to take or of the applicable timeframe for an appeal. Others have had no further news on any decisions on their right to movement. Any documents advising of decisions to deport have been suspended by the Greek administration and, in the meantime, they are obliged to stay on Chios in Camp Vial. But most of the migrants do not understand Greek and have no access to help to contest the unfair restriction of movement which is imposed upon them. Moreover, unlike on Lesbos, Chios has neither an administrative court, nor an Appeals Commission to which they could even address any asylum rejection decisions.

### ➤ *Minimal assistance*

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<sup>49</sup> Amendment N°496/25/15.5.2016 on the asylum law N°4375/201615.5.2016

Resources are almost non-existent on Chios: the Greek authorities do not offer free legal aid to migrants on the island and do not give them the option of making free calls to a lawyer. There is no legal aid for migrants on Chios and the website for the Chios Bar is exclusively in Greek. Moreover, there are only a few lawyers inclined to act in defence of the migrants, among those the President of the local association Lathra. The German association Proasyl funds individual defence cases in certain instances. The UNHCR has three lawyers.

However the UNHCR does not give legal aid. It advises « from time to time », depending on who is on duty, on the procedures which should be applied or on the planned stages of the procedure. Aside from these three lawyers, three other UNHCR officers travel between the three camps to try and mediate with the Greek authorities in certain situations which are brought to their attention. When interviewed by the Mission team, the local UNHCR co-ordinator on Chios, Joe Kuper, fully recognised the incapacity of the UNHCR to provide the legal aid promised by the Greek and European authorities on their brief information boards.

Inside the camps, there are no premises which allow to hold an interview or give legal advice in any decent conditions. No container is provided for this purpose. The only means for a lawyer to hold an interview is to seek out a corner in the shade and to sit on the ground, or to talk within the bounds of an overcrowded tent or container

In the absence of any local presence of the Appeals Commission (to rule on the appeals lodged against asylum rejections), the hearings are done by video-conference or in the absence of the claimant.

➤ ***Practically non-existent interpretation***

The centre of Vial has some interpreters and « *community workers* » who speak Arabic and Persian. Whilst they visit Camp Vial and sometimes camp Dipethe, they have never been seen in Camp Souda. The absence of interpreters is confirmed by migrants in all three camps.

➤ ***Information that is missing or untrue***

The Administration provides no legal information, apart from some information boards stuck to the wall of one of the administration containers inside the central hangar in Vial, and on the administration container at the entrance of Camp Souda<sup>50</sup>. These boards advise the migrants to consult with the police or with Frontex, identified as the sole agents at their disposal for all procedural needs, especially with regards to asylum. They naturally go to the HCR to request legal aid. However, as seen previously, this legal aid is non-existent. Under the heading « *voluntary return with IOM* » are the following words written in marker pen: « *this service is not available yet* ».

On the gates of the port of Chios there are notice boards for the refugees, with the purpose of dissuading them from settling in public areas. They say:

*“Dear Refugees,  
This place is not appropriate and safe for you to stay.  
There is an open site, Souda, with appropriate services and facilities available. The location is 5 minutes away by walk from the Port. In Souda, you will have access to humanitarian assistance, shelter, food, drinkable water, electricity; medical care, child friendly area, sanitation, hot water for showers, and non-food items. Moreover, there is presence of volunteers, humanitarian workers and you can seek legal advice without any charge. Please make sure that you are informed about your rights and the existing free, confidential legal services. Ask any humanitarian actors to guide you to Souda camp or to advise you.”*

Not only are these pronouncements untrue and contrary to what was observed on the mission (and by numerous independent and international NGOs); but they also add insult to injury and are often regarded by the migrants as provocation.

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<sup>50</sup> See photos in annex 13. EASO’s information leaflet, intended for people arriving in Greece after 20 March 2016 (cf A 1), was not being distributed on Chios at the time of the mission.

## CONCLUSION

The one week mission carried out by Gisti in the hotspots of the islands of Lesbos and Chios confirmed the concerns of the association regarding the potential consequences of the EU-Turkey Statement of 18 March 2016 and the rights of those arriving in Greece since it came into force.

### ◆ *Main observations*

Since 20 March, the vast majority of migrants landing on the islands of Lesbos and Chios, most of them asylum seekers, have seen their freedom substantially restricted (banned from leaving the island). They are waiting either to be heard in an initial interview to request asylum, or, if their request has been rejected, to receive the result of their appeal against the deportation to the Turkish territory. The mission found evidence of undignified living conditions (housing, food, access to healthcare) which is the case for most of the people being kept on the islands – more particularly on Chios than on Lesbos – **evidence of administrative and legal treatment, in the opinions of many, which runs contrary to the rights which are recognised and stated in the legislation sanctioned by the European Union and its Member States.** This mainly affects the asylum seekers and what was set out in Directive 2013/32/UE under Directive « procedures »:

- the right to be informed of the procedure to follow, at all stages of the process, in a language which is understood;
- the right to the presence of an interpreter;
- the possibility of communicating with the United Nations High Commissioner for Refugees (UNHCR);
- the right to the presence of legal council, free of charge, if necessary;
- the right to access to the main elements of the decision taken, given in a language which is understood.

The observations of this mission show that these rights are being almost systematically violated due to a lack of manpower, logistics and funding. This translates into **a serious shortfall in procedural guarantees which, if respected would make the Statement's objectives inapplicable and unviable. These objectives are the refoulement of people in need of protection by a country signatory of the 1951 Geneva Convention.** In addition to these violations, there is the serious issue, on Lesbos, of the arbitrary internment of unaccompanied minors.

### ◆ *Responsibilities*

**The root cause of these shortfalls is undoubtedly the Greek administration,** tasked with managing the reception of the migrants and those requesting asylum on its territory. However, due to a combination of circumstances - Greece's economic difficulties, the migration context in the Mediterranean area, the effects of a European immigration and asylum policy in force for over 15 years and, finally, the agreement passed in the form of a Statement between the EU and Turkey on 18 March 2016, - **the Member States of the EU and the Union itself must bear the responsibility of the ill treatment and violation of rights suffered by the migrants held in Greek hotspots.**

The presence of European agencies within the hotspots only goes to underline this responsibility. This is particularly evident in the case of the EASO, the European Office of Asylum, directly implicated in the examination process of asylum cases, thus in the considerable delays recorded in this area. The lawyers of the Bar of Lesbos have accused EASO to hinder the exercise of their mission in the camps.

Pressure was exerted, successfully, by the EU Council of Ministers of the Interior on the Greek State, for the composition of the National Appeals Commission (for asylum decisions) to be modified, because it was considered too favourable to the applicants. This sums up, if need be, **the deep-rooted motivation for the signing of the EU Statement of 18 March: to enforce, whatever the cost, the return of the migrants to third countries, although unsafe.** No concern is given for their welfare or regard for the limits of the EU budget; nor is any regard given to how the countries receiving funds will use them, when the EU could have chosen to allocate funds to the process of helping

to settle the asylum seekers in Europe. **In doing so, the EU Member States are openly flouting the rule of law and the international conventions to which they are bound.**

It is of no consequence to them that concerns are being raised from all quarters when the most basic of rights are denied in the Greek hotspots, especially with regards to the unaccompanied minors<sup>51</sup>. In response to these protests the President of the European Council chose to go to Turkey, singing its praises as the « best country in the world for the welcome of refugees ».

Turkey survived the coup of 15 July, but will this change anything? With regards to the issues of the Statement of 18 March, this makes the EU Member States' position even more untenable. Faced with an authoritarian regime they will have to steer a delicate course, between condemning the increasing infringements of freedom and human rights and wooing a useful partner. The outcome of this dangerous game cannot be predicted, but once again the victims will be the migrants, hostages of the European selfishness.

✦ *Measures to be taken by the EU courts and by Member States*

The facts speak for themselves: to put an end to the serious abuse of rights of migrants who are held in Greek hotspots and threatened with deportation to Turkey, **it is essential that the EU and its Member States**, at the very least:

- **refuse to apply the Statement of 18 March 2016;**

- **reconsider in detail the scope of responsibility of an EU Member State (« Dublin III » regulation) with regards to the examination of asylum requests**, so that the request be examined in the country of the asylum seekers' choosing.

✦ *Action required*

Whatever the evolution of the relations between the EU and Turkey, it is essential to act without delay **to bring examples of the abuse of migrants' rights to the attention of the relevant courts; as a starting point the courts need to be provided with the means to be defended in court and have their rights upheld**. Numerous cases have already been lodged before the ECHR; while present on the Island of Chios, the Mission team spoke at length to 51 people who have all, in their turn, gave one of the Gisti mission team members mandate to mount a joint action to denounce the violations of the European Convention on Human Rights which they claim to have suffered. The case is pending before the Court. .

Since 20 March 2016, **several initiatives have been launched** by NGOs, charities and legal organisations, both on a national and European scale, **all in view to ensuring that information and help is given to migrants in the Greek hotspots**, in particular with respect to the asylum procedure and the safeguarding of its process in *ad hoc* courts, under Greek and European jurisdiction. **It is vital that these initiatives be co-ordinated and concerted so as to optimise their efficiency, and to transform the legal aid into a large-scale counter-attack** against this short-term and dispendious policy of the European decision makers, in terms of asylum and protection of borders, which stirs up xenophobia and destroys Europe.

25 July 2016

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<sup>51</sup> Aside from the NGOs, the most vocal critics of the agreement between the EU and Turkey are the Council of Europe Committee for the Prevention of Torture, the United Nations Secretary General, his Special Representative on migration and refugees, the United Nations High Commissioner for Human Rights, and even the Pope.



## **Persons met during the mission**

### *in Athens*

Ephthalia Pappa, member of Ecumenical Refugee Programme  
Chrissa Wilkens, journalist  
Spyros Ryzakos, Aitima  
Members of the Greek Forum for Refugees

### *in Lesvos*

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Taxiarchis Koufelos, vice-bâtonnier Lesvos bar  
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Monique Rudacogara Nyiratuza, UNHCR Lesvos  
Adam Ruffell, MSF (Doctors without Borders) coordinator in Lesvos.  
Stratis Skoutianellis, lawyer, Lesvos bar and Greek Council for Refugees

### *in Chios*

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Joe Kuper, head of UNHCR Chios  
Daphne Spyropoulou, First Reception Service  
Natassa Strachini, lawyer, Proasyl  
Gabrielle Ta, Legal Info Point association  
The teams of the associations Basque Kitchen and Nurture Project  
Several employees of the Greek Service for Immigration and Asylum

***Gisti would like to thank the following persons for their help, advices, contacts and/or their support while preparing the mission, or during the mission***

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Anne-Marie Brennam (Nurture project, Chios)  
Alessandra Capodanno (Migreurop)  
Eva Cossé (Human Rights Watch)  
Katerina Kanellopoulou, avocate  
Anne-Lise Lierville (ACAT lawyer)  
Marie Martin (EuroMed Rights)  
Judith Sunderland (Human Rights Watch)  
Michele Telaro (MSF)

# Annexes

1. Camp de Moria (Lesbos)
2. Camp de Moria
3. Camp de Vial (Chios)
4. Camp de Souda (Chios), vue générale
- 5 et 6. Camp de Souda
7. Conditions matérielles
8. File d'attente pour les repas à Vial
9. Denrées distribuées à Vial
- 10 et 11. Valeur nutritionnelle des repas servis aux migrants
12. Classe improvisée
13. Panneaux d'information « officiels » des camps de Vial et Souda (Chios)
14. Containers de l'administration à Vial
15. Laisser-passer remis à Moria
16. Documents de pré-enregistrement (Chios)
17. Documents d'assignation à résidence (Chios)
18. Entretien avec la coordinatrice des services grecs de l'immigration et l'asile à Chios
19. Extrait de la brochure en trois langues distribuée par l'EASO aux migrants arrivés en Grèce après le 20 mars 2016
20. Demande d'autorisation adressée au ministère grec de l'intérieur par le Gisti pour se rendre dans les centres des *hotspots* des îles grecques
21. Refus du ministère grec de l'intérieur adressé au Gisti

# Annexe 1

Camp de Moria (Lesbos)



# Annexe 2

Camp de Moria (Lesbos)



# Annexe 3

Camp de Vial (Chios)



# Annexe 4

Camp de Souda (Chios)



# Annexe 5

Camp de Souda (Chios)



# Annexe 6

Camp de Souda (Chios)





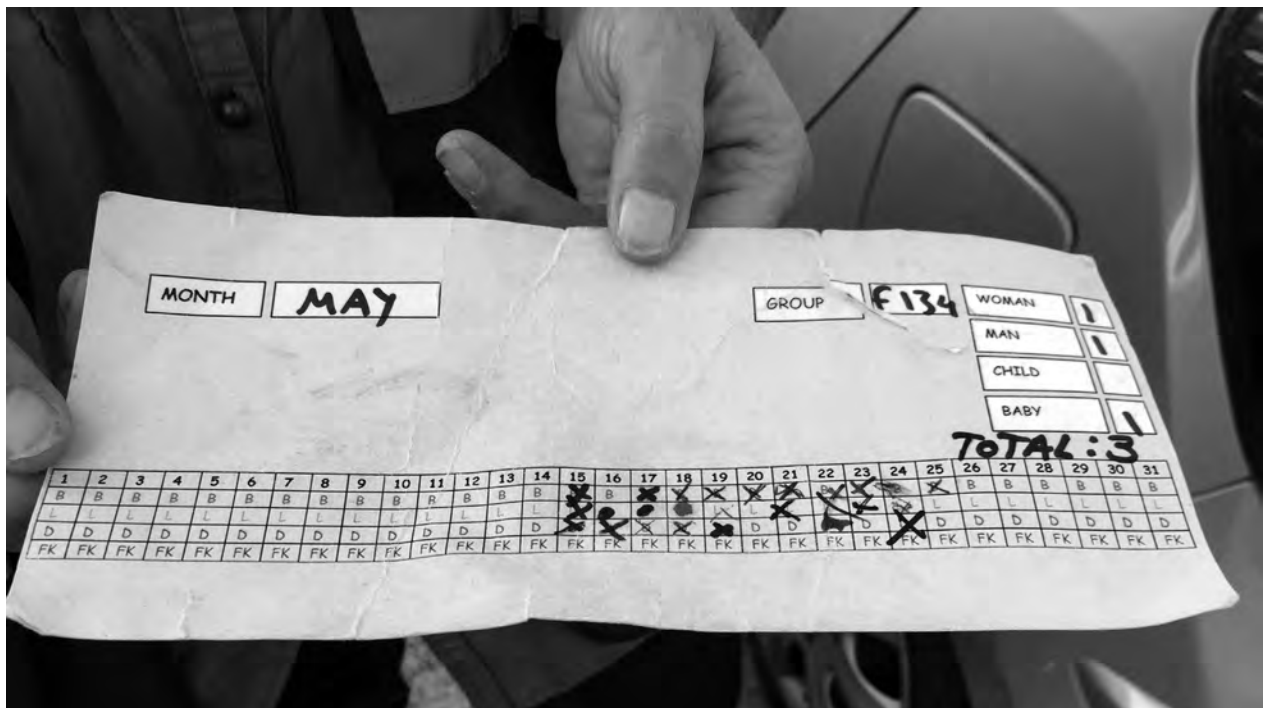
# Annexe 7

Conditions matérielles



# Annexe 8

Distribution de repas au camp de Vial (Chios)



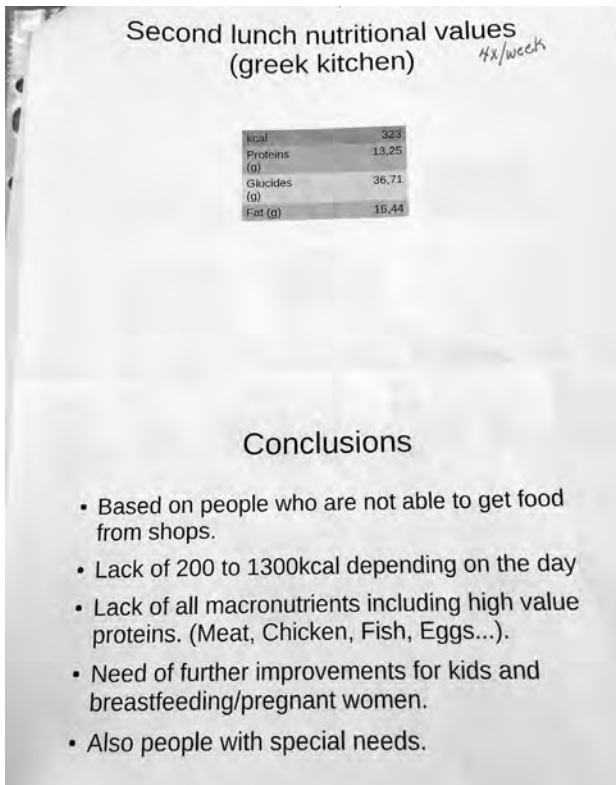
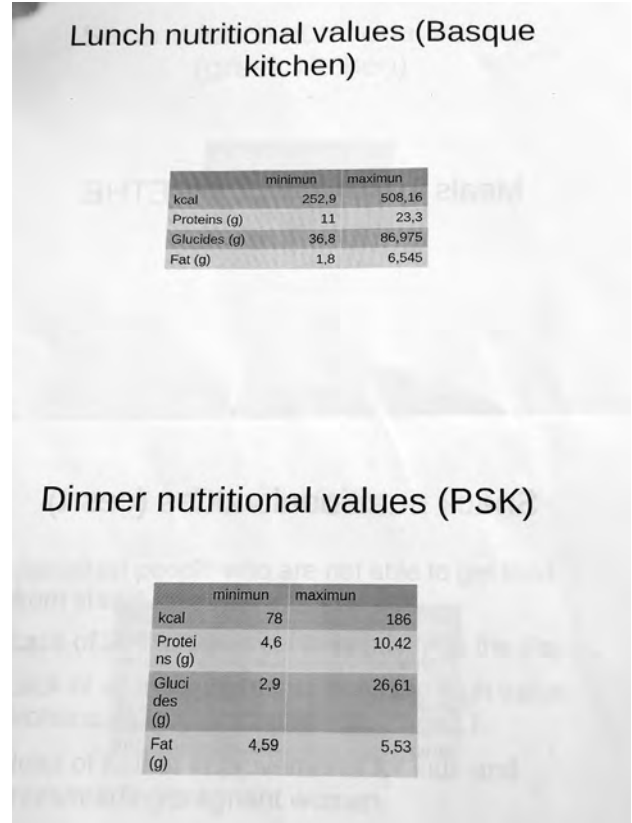
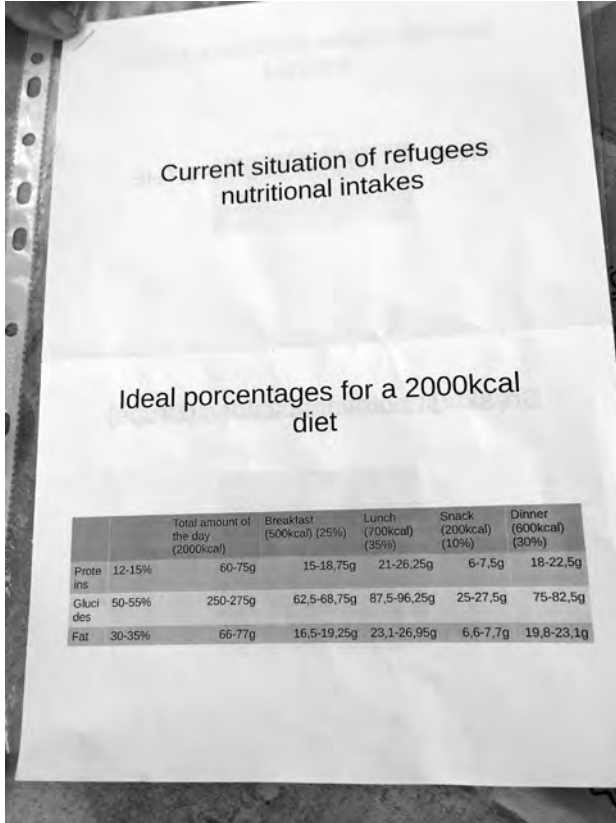
# Annexe 9

Denrées distribuées au camp de Vial (Chios)



# Annexe 10

## Évaluation de la valeur nutritionnelle des repas



# Annexe 11

Évaluation de la valeur nutritionnelle des repas

Meals in SOUDA and DIPETHE

Breakfast nutritional values (Drops)

	minimun	maximun
kcal	317,6	445,62
Proteins (g)	7,216	12,84
Glucides (g)	30,84	58,06
Fat (g)	15,49	19,34

Meals in SOUDA or DIPETHE

Snack nutritional values (cesrt)

	minimun	maximun
kcal	62	328
Proteins (g)	3,32	10,82
Glucides (g)	4,66	40,44
Fat (g)	3,35	13,5

# Annexe 12

Classe improvisée



# Annexe 13

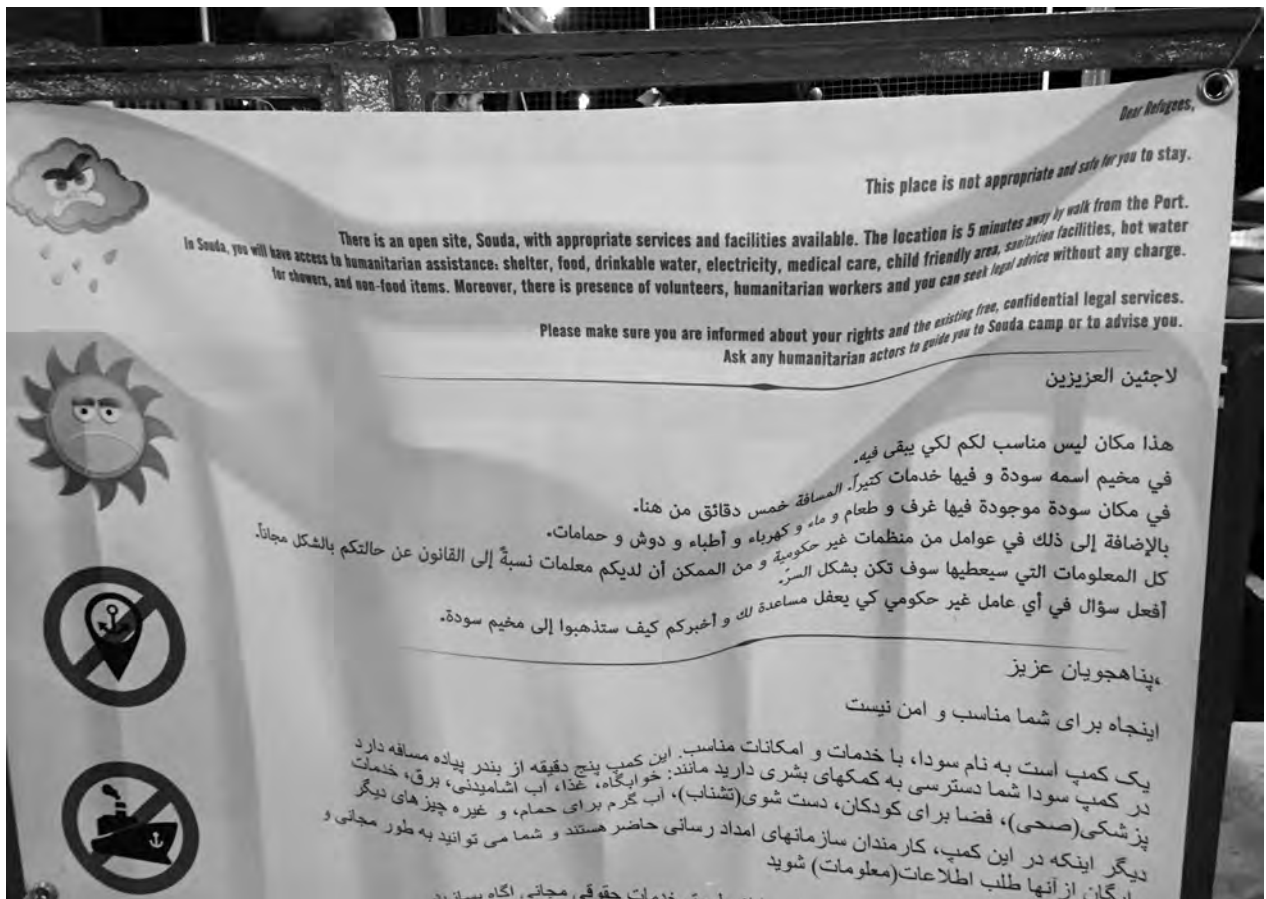
## Panneaux d'information officielle des camps de Vial et de Souda



# Annexe 14

Containers de l'administration à Vial (Chios)

Panneau indiquant la « mise à disposition » de Souda






## Annexe 15

Laissez-passer remis à Moria (Lesbos)

Δεν χορηγείται από το Τυπογραφείο	Συντάσσεται από την αρμόδια Υπηρεσία	Υπόδειγμα: ΔΜ-3
Υπόδειγμα: Απόφαση αναστολής εκτέλεσης απέλασης		Ισχύει μέχρι:.....

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ  
ΕΛΛΗΝΙΚΗ ΑΣΤΥΝΟΜΙΑ  
ΓΕΝΙΚΗ ΠΕΡΙΦΕΡΕΙΑΚΗ ΑΣΤΥΝΟΜΙΚΗ  
ΔΙΕΥΘΥΝΣΗ ΒΟΡΕΙΟΥ ΑΙΓΑΙΟΥ  
ΓΡΑΦΕΙΟ ΑΣΤΥΝ. ΑΣΦΑΛΕΙΑΣ  
Ταχ. Δ/ση: Στρατή Μυριβήλη &  
Μίλτου Κουντουρά αρ. 2 Τ.Κ. 81100  
Αρμόδιος: Υ/Α' ΚΑΣΟΣ Ευάγγελος  
Τηλ: 2251046950 ροί: 8710805  
ΑΡΙΘΜ. ΠΡΩΤ:9760/20/1/767-σστ  
ΔΙ.Κ.Α.: 05/000142005



305

**ΑΠΟΦΑΣΗ**

**Ο ΑΝΑΠΛ. ΓΕΝΙΚΟΣ ΠΕΡΙΦΕΡΕΙΑΚΟΣ ΑΣΤΥΝΟΜΙΚΟΣ ΔΙΕΥΘΥΝΤΗΣ ΒΟΡΕΙΟΥ ΑΙΓΑΙΟΥ**

Έχοντας υπόψη:

- Τις διατάξεις του άρθρου 76 του Ν. 3386/2005 «Είσοδος, διαμονή και κοινωνική ένταξη υπηκόων τρίτων χωρών στην Ελληνική Επικράτεια (212-Α')».
- Τις διατάξεις του άρθρου 1 του Ν. 1705/87 «Κύρωση του πρωτοκόλλου 7 της Σύμβασης για την πρόσπιση των δικαιωμάτων του ανθρώπου και των θεμελιωδών ελευθεριών» (ΦΕΚ Α' - 89/87).
- Την υπ' αριθ. 7004/3/63 από 3-6-2014 (ΦΕΚ Β' -1404) απόφαση Υπουργού Δημόσιας Τάξης και Προστασίας του Πολίτη «Μεταβίβαση αρμοδιοτήτων Υπουργού Δημόσιας Τάξης και Προστασίας του Πολίτη επί θεμάτων Ελληνικής Αστυνομίας σε υφιστάμενα υπηρεσιακά όργανα».
- Την υπ' αριθμ. 6634/1/71/4633-χοζ από 05/04/2016 απόφαση απέλασης της Διεύθυνσης Αστυνομίας Λέσβου, η οποία εκδόθηκε σε βάρος του κάτωθι αναφερόμενου αλλοδαπού.
- Την υπ' αριθ. 6634/1/71/4633-ζ από 04/05/2016 αναφορά, εισήγηση της Δ.Α. Λέσβου από την οποία προκύπτει ότι δεν είναι εφικτή η άμεση απέλαση του αλλοδαπού υπήκοου (επ) █████ (ον) █████ του █████ και της █████, γεν. 13/04/1990, για λόγους ανωτέρας βίας.


**ΑΠΟΦΑΣΙΖΟΥΜΕ**

Την αναστολή της εκτέλεσης της αναγραφόμενης στην παράγραφο (4) της παρούσας απόφασης, που εκδόθηκε σε βάρος του αλλοδαπού υπηκόου ΣΥΡΙΑΣ (επ) █████ του █████ και της █████, γεν., █████ από την κοινοποίηση της παρούσας σε αυτόν και μέχρι την ολοκλήρωση των διαδικασιών επανεισοδοχής ή εξέτασης του αιτήματος ασύλου, κατά περίπτωση.

Την επιβολή, καθ' όλο το ως άνω οριζόμενο χρονικό διάστημα παραμονής στη Χώρα μας, των περιοριστικών όρων της μη αναχώρησης του από την Λέσβο και της διαμονής του στους χώρους των καταυλισμών ΚΕ.Τ.Υ.Α Μόριας και ΚΑΡΑΤΕΠΕ Λέσβου.

Κάθε μεταβολή της διεύθυνσης κατοικίας θα πρέπει να δηλώνεται άμεσα στην Υπηρεσία έκδοσης της παρούσας.

Μυτιλήνη 04 Μαΐου 2016  
- Ο -



ΠΑΝΑΓΙΩΤΗΣ ΚΑΛΕΛΛΗΣ  
ΑΣΤΥΝΟΜΙΚΟΣ ΔΙΕΥΘΥΝΤΗΣ

# Annexe 16

## Documents de pré-enregistrement à Chios

- Επιθυμώ να κάνω αίτηση για διεθνή προστασία (άσυλο στην Ελλάδα/οικογενειακή επανένωση στην Ευρώπη)
- I wish to apply for international protection (asylum in Greece/family reunification in Europe)
- من ميخوام درخواست حمايت بين المللي بدهم (بناهندي في اليونان/الحاق ختواده در اروپا)
- أنا أريد أن أقدم طلب حماية دولية (لجوء في اليونان/ لم شمل العائلة في اروپا)

Reg. date in Chios/ Ημερομηνία καταγραφής	Protocol no./Αριθμός πρωτοκόλλου	Serial no/ Αύξων αριθμός
1/4/16	4534	45
Surname/Επίθετο	Name/Όνομα	Date
[REDACTED]	[REDACTED]	10/4/2016

Το παρόν δεν αποτελεί επίσημη καταγραφή. Παρακαλούμε να παρουσιάσετε τη φόρμα αυτή στην Ελληνική Αστυνομία και την Υπηρεσία Άσυλου.

This is not an official registration form. Please present it to the Greek Police and Asylum Service.

کاغذ ثبت رسمي نمیت. لطفا این را به پولیس و اداره بناهندي یونان نشان دهید.

الورقة ليست تسجيلاً رسمياً. الرجاء تقديمها للشرطة اليونانية وإدارة اللجوء.

10930 / 4534/44

10/4/2016

Application Form for Asylum in Greece

ΕΠΙΘΥΜΩ ΝΑ ΚΑΝΩ ΑΙΤΗΣΗ ΓΙΑ ΔΙΕΘΝΗ ΠΡΟΣΤΑΣΙΑ (ΑΣΥΛΟ ΣΤΗΝ ΕΛΛΑΔΑ/ΟΙΚΟΓΕΝΕΙΑΚΗ ΕΠΑΝΕΝΩΣΗ ΣΤΗΝ ΕΥΡΩΠΗ)

I wish to apply for international protection (asylum in Greece/family reunification in Europe)

من ميخوام درخواست حمايت بين المللي بدهم (بناهندي في اليونان/الحاق ختواده در اروپا)

أنا أريد أن أقدم طلب حماية دولية (لجوء في اليونان/ لم شمل العائلة في اروپا)

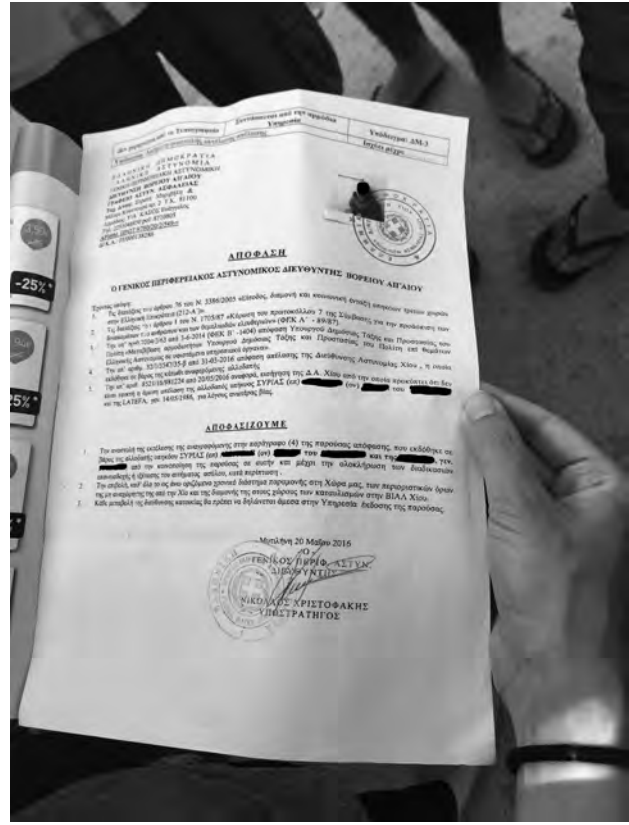
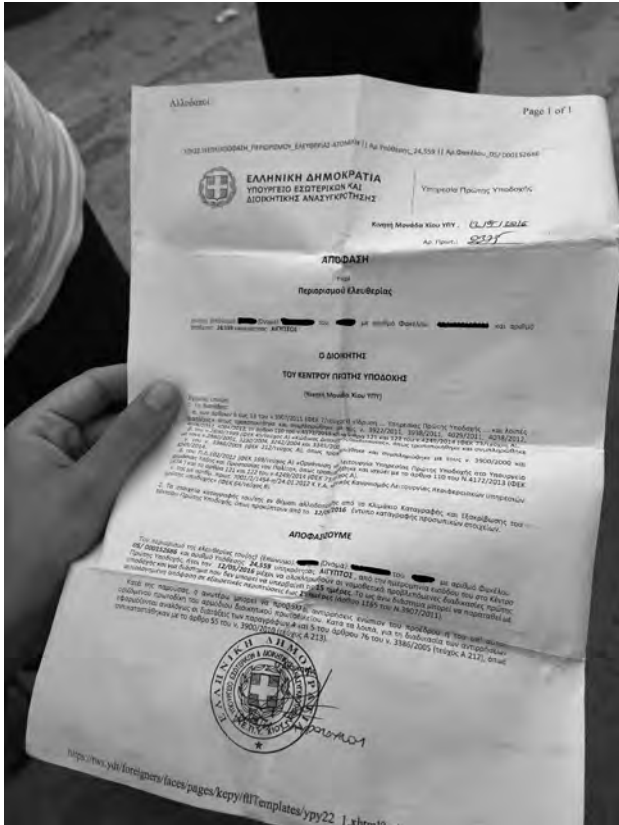
Which languages do you speak?

Which family members do you travel with?

Particulars:

# Annexe 17

## Documents d'assignation à résidence



# Annexe 18

## Entretien avec la coordinatrice des services grecs de l'immigration et de l'asile à Chios

Transcription of interview with Daphne Spiropoulou, First reception services coordinator Chios VIAL.

1. Harbor. Police.

2. Frontex + Police inside VIAL : nationality screening and fingerprints (Eurodac)

“When people are arrested at sea or when the boat arrives on the shores, people are first arrested by the police on the harbour. They are not handcuffed, but they are arrested legally.

Then, police guards take them inside the big hall inside the VIAL camp. They are passed on to Frontex, who does the first screening (and the greek police may be there too) to determine nationalities. It is a screening per nationality.

Me: do you mean not all nationalities are then dealt with in the same way?

FRS: well, for instance, Morocco, there is no asylum, they cannot apply for asylum, because morocco is inside Dublin. It is as if you came from France, you cannot apply for asylum. But everyone can ask, but if you're not pregnant or vulnerable, you will not get anything. Everyone can ask, maybe you're Moroccan and ill, after all.

Then, the Hellenic police will take the fingerprints, just after Frontex saw you, or at the same time. This is just for Eurodac.”

(This was not stated by FRS but is deducted from the administrative decisions collected by Eve Shahshahani and translated by Katerina Kanellopoulou, lawyer in Athens, and from the migrants personally interviewed in the camps by Eve Shahshahani): It appears (but is not confirmed) that, during the police phase, either on the harbour or inside VIAL, but immediately on arrival of Greek shores, and irrespective of any registration by FRS, the police notifies some or all migrants 2 simultaneous orders on arrival date, if they have stated their intention to seek asylum:

-Deportation order

-Suspension of deportation order + authorisation to stay on Greek territory for the duration of the asylum procedure + prohibition to leave Chios and obligation to “reside” in VIAL camp.

3. First reception services FRS (inside VIAL). Registration. Declaration of intention to seek asylum. 5 digits number given. « it is nothing » says FRS coordinator. No legal value. Date of initiation of the administrative procedure.

4. sorting out vulnerable people from others with medical teams and FRS. 7 categories of vulnerable people are potentially detected. (see signs and forms but roughly, pregnant, ill, unaccompanied minors, disabled, etc) In theory, unaccompanied minors are declared to the public prosecutor, who acts as legal representative for the minors. But children protection services only come into play when the minors are moved to a specific accommodation, which they should be entitled to. Vulnerable people can be moved to Athens at this stage if they are detected as very vulnerable.

5. EASO interview on admissibility. Interview with EASO officer and with interpreter. All in another container inside the VIAL closed warehouse space. The interview is carried out by EASO services for

Asylum services (GK). No written convocation for the interview. ( “In VIAL, people are called by their numbers, on a board on the fence barring the entrance to the warehouse. The list posted on the fence announces interviews to come for the next two or three days. People must go check the fence every day to know if they are called for interviews.”)

6. Asylum services issue their decisions (admissibility or readmission to Turkey) and give it to FRS for notification. “If the person is admissible, the police releases them and they can go to Athens” for the end of the procedure.

When it is very urgent, the Asylum services can issue a decision within 3 days, but so far, it has been very slow. On average, it should take one or 2 months for the answer on admissibility or readmission. If the person is not admissible, they can have a remedy. This will then be decided within 2 or 3 months. If the remedy is rejected, inadmissible asylum seekers have another remedy, in court this time, which will take at least a year, the court is in Athens.

There are only 3 employees from the asylum service in VIAL. The interpreters are present for the main languages but can also work through video-conference or telephone. This gives an option of 3 interviews a day on average. “Employees from EASO and Asylum service have in principle a capacity of 3 interviews a day, but in practice, we are always called for other duties, for everything, so we can not do the interviews at this pace. Maybe one a day per person, or one person in the team doing the interview while the others are busy or off duty) There are still many people who arrived after the 20/03/2016 who are waiting for their interview with EASO/Asylum service. Actually, there are still many people waiting for registration with FRS.”

“Everyone must stay on the island for the duration of the asylum procedure. If people don’t want to stay, we deport them. If they ask for asylum, they must wait on the island. Since the VIAL camp is no longer locked, the island itself is a camp. It is a forced waiting zone.”

There is no legal assistance provided by any public authority, neither asylum services neither EASO, neither FRS. According to the information boards posted by the administration on the walls of the containers inside the VIAL warehouse, where administrative duties are carried out, HCR provides legal assistance.

26/05/2016

# Annexe 19

Extrait de la brochure en trois langues distribuée par l'EASO aux migrants arrivés en Grèce avant le 20 mars 2016

Πληροφορίες για τη διαδικασία ασύλου στην Ελλάδα για όσους ήλθαν από την Τουρκία μετά τις 20 Μαρτίου 2016

Information on the asylum procedure in Greece for those who arrived from Turkey after March 20, 2016

حول إجراءات اللجوء في اليونان لكل من وصل من تركيا بعد تاريخ 20/مارس-آذار/2016

معلومات برای پروسه پناهنده گویی انبجیرای کسان ی که بعد از تاریخ 20 مارچ 2016 به یونان آمدن



**ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ**  
Υπουργείο Εσωτερικών και  
Διοικητικής Ανασυγκρότησης

Ταμείο Ασύλου, Μετανάστευσης και  
Ένταξης της Ευρωπαϊκής Ένωσης  
2014-2020



Asylum, Migration and Integration Fund  
of the European Union  
2014-2020

HOME/E1/AMIF Greece – CCI: 2014GR65AMNP001

## Information on the asylum procedure in Greece for those who arrived from Turkey after March 20, 2016.

You are in Greece, a safe country which guarantees exercise and protection of human rights. As you chose to enter Greece without the legal formalities, you need to follow the process explained below.

### TEMPORARILY

#### You must...

remain in the Reception and Identification Centre, until the Greek authorities register your personal information and take your fingerprints. For as long as this registration lasts, you cannot leave.

#### ...THEN

#### Perhaps...

perhaps you will be given the possibility to come out of the Reception Centre, nevertheless remaining on the island where you are now.

#### If you are...

- under 18 years of age and alone in Greece,
- over 65 years of age,
- in Greece alone with your children (i.e. without your spouse),
- suffering from a serious illness or infirmity,
- pregnant, or if you delivered a baby during the last 3 months,
- a victim of torture, a victim of psychological, bodily or sexual violence,
- injured,
- a victim of human trafficking (that is to say if other people exploit you in order to make money), or
- a family member (spouse or parent of a minor or child) of an individual who is residing legally in Greece or in another European country,

#### ...then you must

inform the Greek authorities.

## ASYLUM PROCEDURE

**If...**

you are in a closed centre and you want to seek international protection because you are afraid to return to your country,

**...then you must**

inform the Greek Police or the Reception and Identification Service,

**that you want to claim asylum**

and the Asylum Service will be notified.

The Asylum Service will call you in, to submit an application for asylum. There, you will be informed of the procedure, as well as of your rights and obligations.

### IN CASE YOU SUBMIT AN APPLICATION FOR ASYLUM

**The Greek authorities will first examine the possibility to return you to Turkey, in collaboration with the Turkish authorities**

**If...**

the Greek authorities decide that you should return in Turkey,

**...then you may**

file an appeal.

You will have the right to be helped by a lawyer.

**If...**

the Greek authorities decide that you will remain in Greece to examine your asylum application,

**...then**

the decision may take a long time, because the Asylum Service receives thousands of applications. In between, you have the possibility to be housed in special centres. As long as the decision is pending, you have the right to work.

**If...**

you are granted international protection in Greece,

**...then you may**

remain in Greece for five (5) years at least.

**...but you cannot**

resettle in another country of the European Union during this period.



## Meanwhile

**If...**

you wish to return to your homeland,

**...then**

the Greek authorities and international organizations can help you return home.

**If...**

you wish to return to Turkey,

**...then**

the Greek authorities will attend to your transport back in Turkey, in collaboration with the Turkish authorities.

**HOWEVER, if...**

you leave Greece heading for another European country without the legal formalities...

**...then**

...you will be returned to Greece.

**REMEMBER:****Greece cannot...**

- compel other countries to accept you,
- allow you to leave illegally.

**Travelling illegally...**

is dangerous for you and your family. You may become victims of exploitation and violence.

**In all cases, you should...**

Remain at the disposal of the Greek authorities; that is, the Greek authorities must be able to notify you that you need to appear before them.

**Please collaborate with us.**

**The Greek authorities, as well as international organizations (UNHCR, IOM) and non-governmental organizations (NGOs) wish to help you.**

# Annexe 20

Demande d'autorisation adressée au ministère grec de l'intérieur par le Gisti pour se rendre dans les centres des hotspots des îles grecques

**gisti,** groupe  
d'information et  
de soutien des  
immigré-e-s

Paris, 9th may 2016

Mr Ioannis Mouzalas

Alternate Minister of Migration Policy  
Ministry of Interior and administrative  
reconstruction  
2 Evangelistrias Street  
10563 Athens  
GREECE

By fax + 30 213 13 61 239

Mr. Minister,

Our association, Gisti, is a french independent non-profit organisation providing information and support to Immigrants. Following the European Council EU-Turkey Statement of 18 March 2016, we plan to send for a week a delegation in Greece, as of May 23 2016, in order to investigate on the implementation of this said agreement.

In this respect we would be really grateful if you could grant to our members whose names are listed below access to the retention centers located on the one hand on the Greek hotspots, Lesbos, Chios, Kos, Samos and Leros, and on the other hand, on the mainland near Athens.

Our delegates are the following :

- Ms. Benedicte CHESNELONG
- Ms. Christine MARTINEAU
- Ms. Eve SHAHSHAHANI

Yours sincerely,



Claire Rodier  
Director

# Annexe 21

Refus du ministère grec de l'intérieur adressé au Gisti

----- Message transféré -----

**Sujet** : visit to greek hotspots

**Date de renvoi** : Thu, 19 May 2016 15:25:14 +0200

**De (renvoi)** : Gisti <gisti@gisti.org>

**Pour (renvoi)** : rodier@gisti.org

**Date** : Thu, 19 May 2016 16:13:27 +0300

**De** : Ανθρωπιστική Βοήθεια <aid@ypes.gr>

**Pour** : gisti@gisti.org

**Copie à** : aid@ypes.gr

**HELLENIC REPUBLIC**

**MINISTRY OF INTERIOR AND**

**ADMINISTRATIVE RECONSTRUCTION**

**OFFICE OF THE ALTERNATE MINISTER**

**OF MIGRATION POLICY**

Dear Mr. Rodier,

We would like to inform you that your request to be granted permission to enter the Centers of Reception and Registration (Hotspots) on the Greek islands of Lesbos, Chios, Kos, Samos and Leros and on the mainland near Athens cannot be accepted, due to the extremely busy schedule and obligations of the coordinators of the centers.

Thank you very much for your understanding.

Kind regards

Office of the Alternate Minister

Of Migration Policy

Ioannis Mouzalas