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## PRESS RELEASE

### Greece: Persisting problems in the asylum procedure

One year ago, our organization released the report “Asylum Seekers ON HOLD”<sup>1</sup> whereby we highlighted serious problems in the asylum procedure.

We remain very concerned, because most of these problems persist and at the same time new ones have emerged.

#### PERSISTING PROBLEMS

- The access to the asylum procedure at the mainland remains difficult, given that all unregistered asylum seekers are referred to the problematic Skype procedure.
- The authorities still impose a geographical restriction on all new-comers to remain on the islands with disregard to the principle of proportionality.
- The European Asylum Support Office is still involved in the asylum procedure exceeding its competence under the relevant Regulation.
- Everyday service of the asylum seekers at the Regional Asylum Offices remains problematic.
- The authorities do not yet provide free of charge legal aid at 1<sup>st</sup> instance to asylum applicants.
- The Asylum Service cannot yet ensure adequate 1<sup>st</sup> instance examination of the asylum applications in all cases.
- The problem of the 3.100 appeals pending for over two years remains and what is more over 400 backlog cases have been added to that.

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<sup>1</sup> Available at: <http://www.aitima.gr/images/pdf/onholdenglishreport.pdf>

At this point, we would like to add that the problems pointed out in our report FORGOTTEN, as of October 2016<sup>2</sup>, regarding the procedure followed for asylum seekers who are administratively detained persist as well:

- The registration of detainees' asylum applications is still delayed – for up to three months. Given that the law provides that asylum seekers can be detained up to three months, the delay in their registration eventually prolongs their detention.
- The Asylum Service's recommendations are, in most cases, in favor of the continuation of detention, although detention should be used as an exceptional measure under the law.

#### EMERGING PROBLEMS

- There are long delays in the 1<sup>st</sup> instance examination of the asylum applications, given that:
  - the asylum interviews are scheduled after one year since the applicants' registration and, in the case of postponement, even if this is the responsibility of the Asylum Service, the new appointment is scheduled after one more year
  - the Asylum Service's decisions are issued with long delays as well
- Many cases of vulnerable asylum seekers are not prioritized
- Fewer asylum seekers benefit from free of charge legal aid at 2<sup>nd</sup> instance.
- There are long delays in the asylum seekers' transfers to Germany under the Dublin III Regulation. The transfers take place after 11 months since Germany's acceptance of responsibility for the examination of these cases, in violation of the 6 months transfer deadline of the Regulation.
- Payments to the Asylum Service's contract staff are not duly made, resulting in the Asylum Service's limited operability due to their retention of work.

#### **We urge the competent authorities to ensure:**

- the full operability of the Regional Asylum Offices by providing sufficient and qualified staff on the one hand and adequate funding on the other.
- the unimpeded in-person lodging of asylum applications at the Regional Asylum Offices and the fast registration of administrative detainees' asylum applications

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<sup>2</sup> Available at: <http://www.aitima.gr/images/pdf/forgotten.pdf>

- the examination of the asylum applications in a period of six months, as provided for by Art. 51 (2) of Law 4375/2016, and the prioritization of the vulnerable asylum seekers' as well as the administratively detained cases.
- our country's compliance with the obligation of free of charge legal assistance to all asylum applicants for the 2<sup>nd</sup> instance examination of their applications
- adequate resources for the funding of free of charge legal aid programs to asylum seekers for the 1<sup>st</sup> instance examination of their applications.
- the immediate resolution of the pending appeals problem
- the respect for and application of the principle of proportionality with regard to the geographical restriction of asylum seekers on the islands
- the operation of EASO within the scope of powers provided for by the relevant European Regulation
- the compliance with the Dublin III Regulation deadlines for the completion of asylum seekers transfer
- the limitation of the Asylum Service's recommendations in favor of the continuation of the asylum seekers' detention, in conformity with the relevant legal framework.

Finally, we would like to mention that the competent authorities have not so far aimed at a systematic and constructive dialogue with the civil society organisations on the field. We remain optimistic that this will change with the new Minister of Migration Policy and the new Director of the Asylum Service.

Taking into consideration the recent statements about amendments in the asylum procedure, we hope that relevant consultations will take place before any legislative initiatives.