

More than Six Months Stranded – What Now?

A Joint Policy Brief on the Situation for Displaced Persons in Greece


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The majority of people are psychologically exhausted. We have been in tents for six months. We need to know for how long are we going to stay in tents. – **Syrian male, 36-49, Cherso¹**

This briefing paper is the result of a joint effort by 12 national and international organizations operating in Greece. The aim is to explain the current situation for those stranded in Greece for over six months since the closure of the northern border and introduction of the European Union (EU) – Turkey deal. These events changed Greece from a transit country to a country hosting tens of thousands of displaced persons for a still undefined, yet long-term, period. The briefing and recommendations presented are based on programmatic assessments as well as daily work and interaction with the displaced throughout Greece. Our hope is that this briefing and our joint recommendations will be of use to all actors engaged in addressing the situation and improving the response for those in need of protection in Greece.

The increase in migration to Europe requires a collective EU response based first and foremost on the humanitarian imperative to save lives and respect human rights and international law. Over one million people have entered or transited through Greece since early 2015, and it is essential for the EU and Member States to respond by providing Greece with the support necessary to receive, register, accommodate and process all arrivals, ensuring that basic needs are met and rights respected, including the right to seek asylum. The EU has a responsibility to defend the institution of asylum, and to ensure that EU policies and procedures lessen, rather than exacerbate, the vulnerabilities of those displaced. To date, however, some EU Member States have established policies that proactively undermine the concept of responsibility sharing, continue to place the burden on Greece, and ultimately push people underground, into the hands of smugglers and those seeking to exploit their desperation—a reality that organizations in Greece see evidence of daily.

While responding to the urgent needs of those displaced within Greece, the country is simultaneously experiencing a protracted economic crisis that has had deep and severe negative impacts on the Greek people. It is therefore critical that a coherent EU-wide approach is employed—one with responsibility shared, international obligations upheld, and human rights protected.

Through this paper, the undersigned operational international and national organizations highlight some of the most pressing concerns contributing to the increased vulnerability of displaced persons stranded in Greece, and offer recommendations to relevant stakeholders for improving the delivery of the critical services and support they need. We also commit to working with and supporting the Government of Greece (GoG) in offering displaced girls, boys, women and men in Greece a dignified life.

In order to improve the overall response, issues to address fall within three main areas of concern:

1. The need for humane reception conditions and facilities;
2. Access to international protection; and
3. Access to accurate, up-to-date and reliable information.

¹ This and all quotes throughout the document were provided by InterNews.

Current Operational Context

Over 60,000 people fleeing war, poverty and natural disasters are currently stranded in Greece,² unable to journey further into the EU on account of the closed northern border with the Former Yugoslav Republic of Macedonia (FYROM), the building of fences throughout the Balkans, and introduction of the EU-Turkey deal on 20 March 2016. Those that arrived before the EU-Turkey deal—currently an estimated 47,000 people³—are living on the mainland in formal “open temporary reception structures” (sites) including warehouses or informal sites such as abandoned buildings in urban areas. Those arriving after introduction of the EU-Turkey deal are confined to closed facilities (formerly called “hotspots”⁴) or sites on the Greek islands bordering Turkey with restricted movement—13,171 people as of 13 September 2016.⁵ Reception and asylum procedures are applied inconsistently across islands and differ from those on the mainland, based on each individual’s arrival date and nationality.

With the significant change in context in March 2016, the GoG was forced to quickly adapt from a response based on meeting the needs of those in transit, to delivering longer-term accommodation and services for a highly vulnerable static population within its borders. Since the transition began, the GoG has had to overcome many administrative, logistical, legal and political obstacles. And while the government’s efforts to date are commendable, a strategic long-term plan is needed to guide all response efforts throughout the country going forward; one that respects Greece’s international obligations and the human rights of all people in its territory, promotes integration of the displaced, and will take into account a possible breakdown of the fragile EU-Turkey deal.

1. HUMANE RECEPTION CONDITIONS & FACILITIES

Stranded in Greece following closure of the Greece – FYROM border in early March 2016, roughly 47,000 people have now lived in formal or informal sites across the mainland for over six months. The sites vary greatly in their suitability and preparedness to provide short-term, safe accommodation and services. **On the islands, the overall accommodation capacity is at 7,450, while in reality over 13,000 are living in dangerously overcrowded and substandard conditions.**

Acknowledging that the GoG is the primary duty-bearer and has ultimate responsibility for the protection of those within its territory, humanitarian organizations have expressed their commitment to work with the government to improve reception conditions and security issues, including those outlined below.

Accommodation

“We are a family of 11 staying in Malakasa camp in one tent. The situation is terrible there. You often find snakes around the tents and even animals. We are really scared. It’s very hot. There’s no electricity. – Afghan female, 50+, Malakasa”

² UNHCR, Refugees/Migrants Emergency Response – Mediterranean, Greece. Accessed 20 September 2016. <http://data.unhcr.org/mediterranean/country.php?id=83>.

³ UNHCR, Europe Refugee Emergency, Daily map indicating occupancy and capacity (government figures), as of 13 September 2016.

⁴ The “hotspot” approach introduced through the EU Agenda on Migration in May 2015 includes the deployment of EU personnel to reinforce processing of arrivals in member states “facing an extraordinary migratory pressure.” Intended to shore up the EU’s external border management, and the Dublin and Schengen systems, the hotspot approach was to work in tandem with the relocation scheme; countries of the periphery – Italy and Greece – would strengthen their compliance with obligations to register arrivals by accepting the hotspot approach and other measures, in exchange for solidarity from other EU Member States who would accept to take some of the asylum-seekers registered this way. In practice the “solidarity” part of the scheme is not working while Greece is left to bear the burden of receiving, processing and providing accommodation and services for people entering Greece irregularly through the islands. The hotspots became “closed” facilities at the urging of the EU.

⁵ UNHCR, Europe Refugee Emergency, Daily map indicating occupancy and capacity (government figures), as of 13 September 2016.

Substandard conditions in most of the formal and informal sites have been well-documented over the last six months; however, in order to support the government in bringing sites up to international standards, humanitarian organizations are awaiting formal communication from the government about which sites will remain long-term and which will close, as well as their overall strategy for transitioning populations from what should be short-term sites to more appropriate, long-term accommodation outside of camps (e.g., apartments). Such longer-term arrangements will allow people the opportunity to live in dignity, have greater control over their lives, positively engage with the host community and contribute to the local economy.

The thousands currently residing in mainland and island sites have been forced to endure very high temperatures in tents or warehouses, often with insufficient access to clean water and safe sanitation facilities. Without clear and timely guidance from the government on the roll out of winterization efforts, from October onwards, the cold and rain will make living in these conditions unbearable. Therefore, **sites with access to safe and sufficient water sources, sanitation facilities, basic services, and information are needed to meet the residents' short-term needs; sites that do not meet standards should be closed; and in all cases, more appropriate long-term accommodation arrangements must be identified and established urgently.**

In addition to general accommodation arrangements, safe housing for unaccompanied children must be identified immediately. There are currently just 891 safe accommodation spaces available and they are all full, while 1,586 children remain on the waiting list.⁶ In the absence of available safe short and long-term accommodation places, some children have at times been held in closed facilities or police protective custody.⁷ Detention of the displaced generally, and children especially, should end immediately, and appropriate, open, safe and community-based alternatives that provide access to needed services and support must be established. There is no circumstance in which detention of children is acceptable – it is always a violation of a child's rights. Detention is never in the best interest of children.

Social Services

“I can't sleep at night because of pain. I complained to the doctor here and he told me to wait to receive treatment when I am relocated to another European country. – Syrian male, 36-49, Cherso”

People stranded in Greece are in clear need of health care, education, services for survivors of gender based violence (GBV), and mental health and psychosocial support (PSS) services, but the quality and extent to which these are available and accessible to even the most vulnerable varies greatly across sites. Access for urban populations is very limited.

Basic health care services are available to most, but provision of services for more complex conditions is a severe gap, as some have come to Greece with or developed ailments that require care. Additionally, the trauma endured by many—either driving them to make the journey to Europe or experienced along the way—makes PSS a critically-needed component of the service package offered in sites. Similarly, women and children need safe spaces to privately receive care that meets their specific needs. Proper referral systems with case management are necessary to link those in need of care with the Greek Social Services, including to find adequate accommodation and receive translation services, information and transportation for referrals. This is currently not in place, leading to numerous cases on a daily basis that do not receive appropriate care and follow-up.

At the same time, vulnerable individuals are permitted to travel to Athens from the islands to receive medical treatment and to have their appointments with the Greek Asylum Service (GAS); however,

⁶ EKKA, Situation Update: Unaccompanied Children in Greece, 19 September 2016, p1.

⁷ Ibid. 377 children are in closed facilities awaiting more suitable accommodation—371 in First Reception Centers and 6 in police protective custody (detention).

service providers do not meet and follow up on these individual cases, ensuring they get appropriate medical treatment, accommodation or services, including interpretation, upon arrival. Many, including women and children, have therefore found themselves living on the streets. Others remain trapped on the islands without access to specialized services on account of this lack of assistance or referral pathways in Athens.

While the right to free access to pharmaceuticals and healthcare in medical centers and hospitals has been extended as per Law 4368/2016,⁸ accessibility remains an important challenge. In reality, drugs and medical examinations are not provided for free, hospital personnel are not always informed, and the health system is overwhelmed. In addition, there is an urgent need to reduce the barriers to effective access to health care by creating migrant-friendly services—for example, by providing opportunities to meet with female doctors and making more interpreters available. Without the presence of interpreters, service providers cannot guarantee proper care and patients cannot understand their pathologies and treatment options.

Education has also been a major gap in the humanitarian response. Whilst several small, non-formal initiatives do exist, coverage is limited, no systematic registration of students has taken place, and many sites do not have designated learning spaces—all admittedly temporary measures to support children in need of enrollment in formal education. With the Greek school year having started, it is positive that efforts were made to pass a new law in Parliament⁹ on reception classes in the Greek public schools, and it is critical that the GoG now translate this law into action without further delays, as most children are not in school, provisions for interpretation and translators are not in place, and integration cannot otherwise be foreseen until 2017. For the majority of children, their education has been disrupted for far longer than their journey to Europe, and the time they have spent waiting in Greece. This level of disruption to learning threatens to have a long-term impact on their cognitive and social development, wellbeing, the acquisition of essential life skills, and their overall future. Additionally, many among the population are youth and the majority of unaccompanied children are aged 15-17,¹⁰ however, they too have very few educational activities or services available to meet the specific protection risks and education needs of their age group.

Finally, as per the Inter-Agency Standing Committee's GBV Guidelines, all humanitarian responders "should assume and believe that GBV, and in particular sexual violence, is taking place and is a serious and life-threatening protection issue, regardless of the presence or absence of concrete and reliable evidence."¹¹ Despite this, however, there is a significant lack of available safe spaces and support services on sites throughout Greece for women and girls generally, and survivors of GBV in particular.

Food & Basic Needs

"The food is bad in Eleonas. We are not allowed to cook our food. I can just say that the living conditions is not bearable at all. – Syrian female, 26-35, Eleonas"

In the majority of sites, food is provided by the Ministry of Defense through catering services. The assessment of the Food Task Force created in May 2016 at the request of the Ministry of Migration Policy confirmed the urgent need to improve food security. The lack of appropriate food in sites is a protection concern that affects the nutritional needs of the most vulnerable, including children, the elderly and pregnant women. It can also increase the risk that some may resort to harmful survival mechanisms, and fuel existing frustration and tension in the sites or between the host and displaced communities.

⁸ The beneficiaries are: stateless persons and their family members, recognized refugees and people with a subsidiary protection, people who have a residence permit, people who have applied for asylum or are waiting for an interview or appeal.

⁹ Law 4415/2016.

¹⁰ In Greek law, school enrollment is obligatory for those aged 6 – 16.

¹¹ Inter-Agency Standing Committee, "Guidelines for Gender-based Violence Interventions in Humanitarian Settings," September 2015, p6.

Another important recommendation of the Food Task Force was to move from ready-made meal distribution to participative cooking and provision of vouchers or financial assistance. As it is expected that residents will remain in sites potentially through the winter, it is essential to identify other ways of supporting them with the means to meet their basic needs—for example, through provision of financial assistance or access to the labor market. It is critical that this transition be expedited to provide site residents with greater dignity and control over their lives, and to support the local economy.

Access to the Labor Market

According to Law 4375/2016, applicants for international protection have access to paid employment. Unfortunately, this excludes those of the 27,952 pre-registered on the mainland who have yet to complete the registration process and all of those who remain on the islands. Thus, people continue to rely on food, non-food item and financial assistance distributions to meet their basic needs for a significant period of time. This not only extends the need for emergency services, increasing the risk of exploitation, but it also impedes the integration prospects of asylum seekers.

Overcoming bureaucracy and legal hindrances would allow the skills of the displaced to be utilized in the response. There are many teachers who are already volunteering within the sites, and medical professionals who can assist with cultural mediation and interpretation with medical cases in sites and Greek clinics, even if not allowed to operate as medical staff. Many speak several languages and can assist with translation and interpretation between the displaced, government officials and humanitarians, which may assist in defusing tensions and misunderstandings. Being allowed to work would also provide dignity and may alleviate the sense of hopelessness and shame that many express for not being able to provide for their families.

It is of paramount importance that the one-year legal status established by pre-registration allows the displaced to access the labor market and legally work with humanitarian agencies throughout Greece while completing the asylum process.

Safety & Protection

“We are so scared to go out now because people are fighting all the time. I am scared that something will happen to my children. I did not even go to collect food [from distribution] since the night of the fight. – **Afghan female, 26-35, Elliniko**”

Safety and protection in the sites are issues of increasing concern and have been repeatedly raised with the government. Contributing factors to the deteriorating security situation include: lack of information about legal and asylum rights and timelines for various steps of the process; substandard living conditions and food; lack of PSS and mental health services; sanitation facilities without adequate lighting at night or locks on doors; insufficient activities to encourage cross-cultural learning and communication (e.g., lack of interpreters and cultural mediators); and lack of appropriate and timely police involvement when an incident occurs. There is also limited control of who enters and exits sites, and little police involvement or patrolling at night. Consequently, there have been several incidents of violence and suicide attempts.

Boys and young men are at particular risk of unwillingly being involved in fighting and risky behavior. While some actors have considered using private security companies to support safety at sites, there are concerns that private security staff will be in need of specific training on how to interact with the displaced population and child protection issues, and there may be a lack of clarity related to accountability of such private companies. Ultimately, the GoG is responsible for the safety of those in sites; and clear roles and responsibilities for all those operating on sites—government site management, the military and police—as well as safety protocols instructing all actors in sites on what to do in the

event of a security incident are lacking.

Separate living spaces for single women, families and vulnerable persons are central to guaranteeing privacy and safety; however, they are available in very few sites. Site planning measures (e.g., lighting and sex-segregated showers and latrines with locks) to improve the safety and protection of women and children against sexual violence are also lacking and must be put in place immediately. Without these measures, women and children remain at heightened risk.

Unaccompanied children are at increased risk. Under current national legislation,¹² the competent Juvenile Prosecutors act as interim guardians for unaccompanied children and must appoint a permanent guardian. In practice, the above process does not take place and Juvenile Prosecutors remain temporary guardians of unaccompanied children.¹³ Given the large numbers of unaccompanied children in Greece, roughly 3,779 identified in 2016 alone and 1,586 currently on a waiting list for safe accommodation,¹⁴ Juvenile Prosecutors cannot fully exercise their duties as interim guardians and this has damaging effects on the accommodation, education and family reunification rights of these children.

2. ACCESS TO INTERNATIONAL PROTECTION

Displaced people in Greece are subject to one of two different administrative procedures depending on whether they arrived before or after the EU-Turkey deal came into force.

Access to Asylum on Mainland Greece

Registration is waste of time, will not change anything. They just keep us busy and kick us around like a ball. – Syrian male, 16-25, Skaramangas

When the EU-Turkey deal was announced, those already on the Greek islands were transferred to sites on the mainland with the others stranded after the Greece – FYROM border closed. As of 20 September, over six months since the border closure, the GoG estimates that roughly 47,000 people are living in formal and informal sites or accommodation arrangements across the mainland.¹⁵ GAS completed a pre-registration exercise in June and July to gather details on this caseload and start the process of scheduling their full registration appointments, which are taking place from 1 September 2016 to 31 March 2017. Only after this full registration appointment will people be informed of the date they can have their interview in relation to their asylum claim or application for relocation or family reunification, and will gain the right to work. For those who did not participate in the pre-registration exercise, primarily those living outside the formal sites on the mainland, full registration appointments will be arranged by calling GAS via Skype—the problematic system used prior to the pre-registration exercise.¹⁶

Humanitarian staff operating in sites and urban centers get constant questions from people on legal issues related to asylum, family reunification, relocation, registration and interviews. Legal information, counselling and assistance is core to a proper protection-centered humanitarian response; however, in Greece there is a severe lack of coordinated legal service provision. Thousands of people have to navigate a complicated legal asylum system in languages they are not familiar with, starting from police notes upon arrival to an actual interview many months later. With a lack of specialized legal staff, it means that people receive the wrong information, listen to rumors, and at times make harmful decisions for themselves and their families as they are unaware of consequences. While there is existing information

¹² Presidential Decrees 220/2007 and 141/2013.

¹³ Prosecutors choose, in most cases, to assign the exercise of the actual care of the children to centers for Hosting Unaccompanied Minors throughout the country, which are open structures. They therefore do not fall within the scope of Article 1607 paragraph c of the Civil Code that refers to institutions. The assignment of the actual care is achieved through the issuance of Decrees from the Prosecutors.

¹⁴ EKKA, Situation Update: Unaccompanied Children in Greece, 19 September 2016, p1.

¹⁵ Ministry of Migration Policy, 30/08/2016.

¹⁶ From March to May 2016, the registration process took place over Skype, with certain days and times dedicated to people speaking different languages. GAS had two Skype operators, along with relevant interpreters, taking all calls. In some cases, it was reported this forced callers to make many attempts over extended periods of time before reaching an asylum officer and being able to complete the process. The insufficient number of asylum officers and interpreters dedicated to Skype and the process as a whole has been a constant obstacle, and it is expected that those still trying to register will face similar challenges as seen prior to the pre-registration exercise from March to May. There is fear that those trying unsuccessfully to reach GAS via Skype remain status-less and unprotected. Moreover, the fact that many people may not be familiar with the technology or have internet access has reportedly led to exploitation (e.g., people charged exorbitant fees for WiFi connectivity).

provided by the GoG, the European Commission and UNHCR, this is often not answering the actual questions people have which is evidenced by the continuous daily questions humanitarian staff receive.

Following pre-registration, GAS uploaded the list of scheduled full registration appointments for the month of September on 29 August. Appointments were set to start on 1 September for relocation candidates and 19 September for those not eligible for relocation. The 60-page list was nearly impossible to download on a mobile phone and required people to find their appointments by locating their registration number in the list. Unfortunately, the asylum seeker cards that people received at pre-registration with this five-digit number, also include a second five-digit number, causing significant confusion for those trying to find their appointment information in the initial days of registration. Each person also receives an SMS to their mobile phone informing them of their appointment date, time and location. UNHCR reported that in the first days of full registration, 30% of SMSs for September appointments were undeliverable. With the support of a nongovernmental organization (NGO), an online system was established for people to easily enter their registration number and find their appointment information; however, more must be done to ensure that those unable to access this website will have other means of gaining this critical information in a timely fashion.

For registration appointments, there are three asylum offices established on the mainland to register those that are eligible for relocation;¹⁷ however, there is just one office in Piraeus for those not eligible. This forces people not eligible for relocation to travel hundreds of kilometres for their appointments, and while snacks and transportation will be provided to those travelling long distances, it is unclear if accommodation will also be offered to those needing to stay overnight. This raises serious protection concerns. As an illustration, an NGO recently came across a pregnant woman who was provided a ticket for transportation but had to stay outside overnight as there was no accommodation provided.

Despite recent reforms to GAS meant to address an extensive backlog in the system before 2011, there are several ongoing deficiencies impeding access to international protection for people arriving both prior to and during the 2015/early 2016 influx, further exacerbated by understaffing. Failure to fully implement a 2011 law¹⁸ that provides for regional asylum offices in strategic geographical regions across mainland Greece and the islands, slow organization of Appeals Committees to address rejected asylum claims, lack of communication and information on ongoing asylum applications, and a structural and persistent lack of reception capacity in Greece has left many people without effective protection or access to rights and at risk of deportation and detention.

Access to Asylum on the Islands

“When we ask for a lawyer, they tell us ‘we don’t know’. – Afghan male, 36-49,
Kara Tepe

Those arriving to Greece from 20 March fall under the procedures established by Law 4375/2016, in line with the EU-Turkey deal. While they were initially detained in closed facilities under restriction of liberty until they were identified and registered, the current situation is that depending on the island of arrival, people have varying levels of freedom of movement. For example, 1,080 people in Chios live in informal sites not managed by the army.¹⁹ If people do not apply for asylum, they are either readmitted to Turkey or returned to their country of origin.

For those that want to apply for asylum, an “exceptional border procedure” was introduced²⁰ whereby police authorities can conduct the registration of asylum applications, European Asylum Support Office (EASO) can assist the Greek authorities in registration and conducting interviews, and a fast-track

¹⁷ Asylum Offices were established in Athens, Thessaloniki and Alexandroupolis for those eligible for relocation.

¹⁸ Law 3907/2011 (Article 1, par.3).

¹⁹ UNHCR, Site Profile, 15 September 2016.

²⁰ Law 4375/2016 (Article 60, par. 4).

asylum procedure is established.²¹ Vulnerable groups²² and persons falling under the family provisions of the Dublin III Regulation, as defined by Greek law,²³ are exempt from this procedure. The number of those confined to the islands continues to grow as more people arrive from Turkey and very few manage to leave. For example, only 7,567²⁴ people have gone from the islands to Athens since introduction of the EU-Turkey deal, and 3,437 people arrived to the islands in August alone, up from 1,920 in July.²⁵

Asylum applications are consequently deemed “admissible” or “inadmissible”, based on the asylum seekers’ interviews with EASO and GAS. This decision determines whether Turkey can be considered a safe country for the asylum seekers. Those deemed admissible are required to stay on the islands until their asylum application and interview can be completed in Athens. Those deemed inadmissible are returned to Turkey, but may first appeal the decision—an option that most have taken. Initially, the Appeals Committees in Greece overturned inadmissible decisions, as they did not deem Turkey a safe third country. This enabled people to apply for asylum in Greece. However, an amendment to the asylum law introduced only two months after passage of Law 4375/2016 changed the composition of the Appeals Committees in what was perceived by many as a way to facilitate increased returns to Turkey and a threat to human rights and rule of law in Greece.

Under Law 4375/2016, legal aid encompasses assistance at second instance of the asylum procedure, and representation of applicants before the Appeals Committees for the vulnerable and Dublin cases. However, the need for legal information, counselling and assistance for the other steps of the asylum procedures are not fully covered. In a positive development, the European Commission through UNHCR and local partners, launched a new legal aid programme with 26 lawyers deployed to six islands and six lawyers for the mainland. This will supplement the existing legal activities provided by individuals, volunteers and NGOs which is limited in numbers of staff and geographical reach.²⁶ This additional assistance focuses mainly on the second instance, meaning the appeals process, but lawyers may also cover other needs if there is time. However, with over 13,000 people on the islands and roughly 47,000 on the mainland who all need various degrees of legal information, counselling and assistance, the insufficient resources and staff to cover this core protection need remains a significant gap in the response. There remains a significant need for: first instance preparation; individual counselling in preparation for admissibility as well as asylum interviews; legal information to ensure that rumors and misconceptions are avoided allowing people to make informed decisions; counseling and representation in the court; appeals against age assessment; appeals against prolonged detention exceeding 25 days; and civil documentation procedures including death and birth certificates. Legal assistance offered by NGOs should not be considered fulfillment of the GoG’s responsibility to provide this.

One of the biggest concerns is that the processing of people in the first reception centers has been done based on nationality rather than arrival date and vulnerability. In practice, this has led to individuals—e.g., from Afghanistan—who may be on an island for six months and still not have been processed, now witnessing newly arrived Syrians being processed within a week or two of arrival. This creates tensions and a sense of discrimination which has led to demonstrations and impacts security.

Family Reunification & Relocation

Family reunification under Dublin III and relocation are two legal options available to some that may contribute to alleviating suffering and help disperse responsibility amongst EU Member States. In practice, however, neither scheme is working effectively for the people that may be eligible. For example, the EU relocation scheme is inherently discriminatory, as eligibility is based on nationality.

Family unity is a priority that should be adhered to under all circumstances. Maintaining family unity for

21 AIRE Center & ECRE, With Greece: Recommendations for Refugee Protection, June 2016. <http://www.ecre.org/wp-content/uploads/2016/07/With-Greece.pdf>

22 Unaccompanied children, disabled or severely ill persons, elderly, pregnant women or new mothers, single parents with minor children, victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, persons suffering from post-traumatic stress, such as shipwreck survivors or relatives of victims and victims of trafficking.

23 Law 4375/2016 (Article 60, par. 4) citing Articles 8-11 of the Dublin III Regulation. Law 4375/2016 (Article 14, par. 8) defining the vulnerable groups categories.

24 UNHCR: Analysis of Estimated Arrivals, 28 August 2016.

25 UNHCR, Refugees/Migrants Emergency Response – Mediterranean, Greece Web Data Portal. Accessed 20 September 2016. <http://data.unhcr.org/mediterranean/country.php?id=83>.

26 UNHCR, Refugees/Migrants Emergency Response – Mediterranean, Greece Web Data Portal, Europe’s Refugee Emergency Response Update #29, 19 July – 8 August, p1.

people on the move is very challenging and unaccompanied children are in particular need of a stable family environment to ensure their protection and safeguard the development of their skills and their futures. Family reunification procedures should be enhanced in order to be more effective. There is an immediate need for acceleration of the procedures for reunification with family members located in other EU Member States, as the family reunification process under Dublin III in Greece currently takes up to one year to implement. Furthermore, the definition of family under Dublin III is restricted and fails to account for existing human needs and relations. For example, adult siblings or parents with adult children cannot necessarily be reunited, leaving many in Greece with family in other parts of the EU they may not be able to reach.

The “responsibility sharing” part of the relocation scheme was ambitious and had the potential to demonstrate EU Member States’ solidarity during the emergency response. However, in reality, the scheme continues to put the burden of receiving, registering, and ultimately accommodating and providing services to tens of thousands of people on Greece and Italy, in tandem with the hotspot approach designed to shore up the Schengen and Dublin systems. The scheme gives privileged status to some nationalities as only applicants for whom the average recognition rate of international protection at the EU level is above 75% are eligible. Afghans, who currently have a 59% recognition rate, and Iraqis, who currently have a 73% rate, are therefore not eligible even though they make up about 25% and 15% of the population in Greece, respectively.²⁷ This criterion contributes to a real and perceived hierarchy among the displaced population, indirectly dividing them into “legitimate” and “not legitimate”. At the same time, half way through the scheme, in September 2016, less than 5% of the total number of 66,400 relocation places from Greece have been filled, further demonstrating the critical need for EU Member States to take actions to fulfill their commitment to share responsibility and act in solidarity with Greece.

Ultimately, in the Greek context, the extremely lengthy procedures and the “out-of-site” accommodation being offered to relocation candidates has encouraged many people to give up their applications for family reunification to apply for relocation thereby forfeiting rights and long-term stability. The existing non-site based accommodation schemes are limited and do not prioritize cases on the basis of vulnerability. For instance, the largest “out of site” accommodation scheme in Greece whereby UNHCR has pledged to find 20,000 places in hotels, apartments or with Greek hosting families, is only available to those that are eligible for relocation; while there have been instances, for example, of people identified as victims of torture in their home country who cannot be referred to a specialized clinic in Athens due to the lack of accommodation. They have had to remain on various islands and as result do not have access to required care. This means that even the most vulnerable are left to withstand the harsh weather conditions of summer and winter in substandard sites while safer, more dignified arrangements are available. It also means that large numbers of Afghans and others are not eligible due simply to their nationality. Alternative “out of site” accommodation is therefore urgently needed across Greece in the form of apartments that create safer and more dignified living conditions for all.

3. RELIABLE INFORMATION

This crisis has been characterized by a lack of accurate and timely information. Displaced persons have repeatedly reported lack of access to information about their rights, legal status, the asylum process and their legal options (including accessing asylum, family reunification, relocation, or voluntary return) as barriers they feel prevent them from making informed choices about their future. People on the islands simply do not know why their movement is restricted, and many throughout Greece do not know how long they will stay in sites, what rights they have in Greece, what services they are entitled to, who is eligible for relocation or family reunification, and when and how they can access these legal options.

A main challenge to providing accurate, timely information is that Europe’s response to the crisis to date has been fractured, with policy decisions being made unilaterally without consultation or planning, and the constant introduction of new processes and procedures. This began with the closure of the

²⁷ European Commission, EuroStat Statistics Explained: Asylum Quarterly Report. 5 June 2016 http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report.

Balkan route, followed by the EU-Turkey deal, the opening of new sites, the pre-registration exercise and, more recently, the exclusion of Iraqis from the EU relocation scheme. These developments have changed the situation and legal options for those stranded within Greece, prolonging the asylum procedure and access to it. As a result, conflicting information has been circulating, adding to frustration—and at times, insecurity in the sites—and leading people to take risks in search of a better life, often through the use of smugglers. Another challenge is the lack of coordination around the release of new information. Often humanitarian organizations receive different information from different stakeholders about these policies and the procedures employed to uphold them. Without access to timely and reliable information in languages they understand, people are less able to access services or make decisions for themselves, their families and their communities.

The host population, which has largely been ignored by information campaigns to date, must also be included in the provision of timely and accurate information. The establishment of new sites without prior discussions with the local communities has often led to dissatisfaction and tension, as competition for resources and services becomes an issue. Facilitation of dialogue between the government, Greek communities and displaced populations is needed to help prevent misunderstandings and tensions, and raise the awareness necessary to combat xenophobia.

Denying people a voice in plans and decisions that directly affect them can mean they do not get the resources and services they need most. Giving them ways to communicate their needs and concerns, and allowing them some say in their lives at this challenging time, can alleviate suffering, reduce frustrations, and enable people to make informed decisions about their lives based on real solutions.

Recommendations

Acknowledging the complex and evolving operational context in which we work, all stakeholders have a role to play in improving the response and providing the girls, boys, women and men stranded throughout Greece for over six months with the protection, services and support they need to have a dignified life.

To the EU and EU Member States:

- > Continue to ensure that humanitarian assistance is provided in accordance with humanitarian principles, ensuring a needs based approach centered in protection.
- > Fulfill commitments to immediately deploy the asylum and legal staff needed to support GAS with accelerating the asylum, family reunification and relocation processes, and comply with relocation allocations under Council Decisions by immediately making needed places available for those eligible
- > Open relocation eligibility up to all those in need of international protection, regardless of nationality; and ensure that vulnerability criteria is extended to the European Commission-funded UNHCR housing scheme which is currently for relocation candidates only.
- > Expand the definition of family to support the reunification of extended and adult immediate family members, and accept both written and oral evidence to prove family connections.
- > Require that funding supports a transition to integration efforts and urban programming, where the displaced reside in appropriate, long-term accommodations (e.g., apartments) that provide greater dignity, but also support integration and the ailing local economy.
- > Provide funding to fill the significant gap in services for women, girls, survivors of sexual and gender-based violence, and unaccompanied children to agencies with the expertise and capacity to respond.

To the Government of Greece:

- > Establish a high-level, national decision making body, led by the government with active engagement from UNHCR, representatives from Greek and international organizations, and relevant donors, as well as regional and site level mechanisms for planning and coordination. While this exists in theory at field level, it is not fully functioning.
- > Urgently provide UNHCR and humanitarian organizations with a strategic long-term national plan and a final list of sites, as well as expedite approvals for all responding agencies to winterize sites to ensure that no one remains accommodated in a tent or other substandard conditions during winter

- > Designate all reception and identification centers on the islands as open reception facilities and only ever use detention as a last resort, on an individual basis as, in accordance with the law, and never for children.
- > Prioritize a transition to urban programming and an accommodation scheme that moves displaced persons out of sites and to appropriate long-term accommodation arrangements, allowing them to live in dignity, integrate, and support the local economy.
- > Immediately plan and execute decongestion efforts for sites on the islands, ensuring movements are well planned, all involved are informed, and the movements are voluntary.
- > Ensure all personnel at hospitals and government offices are aware of the legal provisions for displaced persons, such as for providing AMKA and AFM numbers²⁸ and access to basic services.
- > Establish reception classes in Greek public schools and transportation to and from schools for all children, as well as educational activities for male and female youth. Also, provide information to local communities to facilitate this transition and alleviate any concerns or misconceptions.
- > Expedite the transition from food distribution to multi-purpose financial assistance in all sites and in urban areas, allowing people to meet their basic needs while also supporting the local economy.
- > Ensure that the army, police, health care providers, educational facilities and social services are provided with additional and necessary resources to address the increased work-load. This includes cultural mediators and interpreters, who could be recruited from the displaced population as per enhanced legal provisions allowing for employment.
- > Allow pre-registered people to be remunerated for skilled and unskilled activities related to supporting the humanitarian response in Greece, to ensure dignity and avoid exploitation.
- > Develop and clearly communicate security protocols and the roles and responsibilities of the Hellenic military and police for each site in collaboration with the humanitarian actors in sites.
- > Strengthen the protection of unaccompanied children by improving relevant legislation and policies around appropriate foster care and guardianship, including significantly reforming and reinforcing the guardianship system by appointing appropriately trained social scientists from various humanitarian organizations.
- > Significantly increase capacity to process asylum claims, including by fully establishing, properly staffing, and increasing access to regional asylum offices throughout Greece.

To the Government of Greece, the European Commission, EASO and UNHCR:

- > As per humanitarian principles, improve the provision of neutral and impartial legal information about the asylum process, including when and how to ask for asylum, the estimated timeline for decisions on admissibility, appeals of admissibility decisions, or the ability to lodge formal asylum applications on the mainland, in all relevant languages.
- > Ensure free legal aid is readily available for the first and second instance of the asylum process, by accelerating the training and contracting of lawyers to provide services, as well as training and contracting of interpreters of all languages.
- > Increase funding for humanitarian actors to provide legal assistance as part of humanitarian protection service provision.
- > Ensure all nationalities are given equal access to the asylum procedures and that their basic rights to health and education are upheld.
- > Increase and train asylum service staff to be able to deal with relocation and family reunification applications in an efficient and timely manner.
- > On the islands, provide arrivals with timely access to vulnerability assessments and essential health care, including PSS, and protection services provided by qualified and experienced personnel.

To the Government of Greece and UNHCR:

- > Urgently increase the number of accommodation places available for all those in need of international protection, as per the responsibilities derived from the Geneva Convention and the Reception Directive, not only relocation candidates.

²⁸ Social Security and Tax Identification numbers.

To the Government of Greece and all humanitarian actors operating in Greece:

- > Provide safe, appropriate shelter and access to a comprehensive package of services, including case management, for unaccompanied children and other vulnerable groups, through a strong referral pathway linked to the Greek Social Services.
- > Provide effective access to the health system by establishing measures to ensure cultural and gender sensitive provision of health care and for identifying care outside of sites.
- > Make a comprehensive package of services for survivors of sexual and gender-based violence available in all sites and urban areas, and train staff from relevant actors working in sites throughout Greece to help prevent and appropriately respond to incidents when they occur.
- > Immediately take measures to extend programming to the urban and out-of-site caseloads, including people coming to Athens for medical purposes or to attend interviews at GAS.
- > Ensure the centrality of protection in all programme activities, such as shelter provision, food provision and water and sanitation activities.
- > Work to have common safety audits in sites to ensure residents have access to safe facilities, with all necessary protection measures taken to reduce risks for the most vulnerable.
- > Ensure all security incidents are referred by humanitarian actors to the Greek authorities in a timely manner, as per protocols which must protect confidentiality and do not compromise the acceptance of humanitarian actors to be provided by the GoG.
- > Work jointly to identify and provide capacity building for the responsible security authority in sites, including on gender and sexual and gender-based violence, to ensure a protective environment.
- > Ensure more widespread use and training of interpreters.
- > Dedicate time and resources to ensuring appropriate coordination and information sharing, in accordance with do no harm principles and international best practices, always protecting confidentiality.
- > Increase targeted communication with the host community to address concerns and ensure they are informed and engaged when possible and appropriate.

More than Six Months Stranded – What Now?

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for Displaced Persons in Greece*

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