



AUSTRIAN RED CROSS

Caritas
A U S T R I A

THE SITUATION OF PERSONS RETURNED BY AUSTRIA TO GREECE UNDER THE DUBLIN REGULATION

Report on a joint Fact-Finding Mission to Greece
May 23rd – 28th 2009



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Abbreviations

ai	amnesty international
BAMF	Bundesamt für Migration und Flüchtlinge, Deutschland
COI	Country of Origin Information
CoS	Greek Council of State
ECHR	European Convention on Human Rights
ERF	European Refugee Fund
EU	European Union
GCR	Greek Council for Refugees
HRC	Hellenic Red Cross
HRC/LRRC	Hellenic Red Cross/Lavrio Refugee Reception Centre
ID	Identification
ISS	International Social Service
NGO(s)	Non-Governmental Organisation(s)
UMR	Unaccompanied Minor Refugees
UNHCR	United Nations High Commissioner for Refugees
WW2	World War 2

I. INTRODUCTION

In the wake of several inconsistent reports issued by governmental and non-governmental institutions¹ about the Greek asylum system and the situation of asylum seekers in Greece during the end of 2008 and the beginning of 2009, the Austrian Red Cross and Caritas Austria decided to conduct a joint Fact-Finding Mission to Greece to assess the actual situation of persons being returned from Austria to Greece under the Dublin Regulation.

The main reason for this decision was that Austrian authorities are continuously returning foreigners to Greece under the Dublin Regulation, assuming that Greece is complying with EU standards for the reception of asylum seekers, access to the asylum procedure and procedural guarantees. According to some of the previous reports this seems at least doubtful.

II. METHODOLOGY

This Fact-Finding Mission was conducted by Claudia Schmidt (Caritas Austria, Legal Representative of Asylum Seekers before the Austrian Asylum Court) and Bernhard Schneider (Austrian Red Cross, Head of Department for Legal Affairs and Migration) from May 23rd to 28th 2009.

The information in this report was obtained through qualitative guideline-based face-to-face interviews with 14 asylum seekers (nine single men, five families; one from Nigeria, all others from Afghanistan) who had all been returned to Greece from Austria under the Dublin Regulation. We obtained the contact details of some asylum

¹ Among others: Pro Asyl (author: Karl Kopp): 'The Situation in Greece is out of control', November 13th 2008; Pro Asyl (author: Karl Kopp): 'Zur aktuellen Situation von Asylsuchenden in Griechenland', February 19th 2009; BAMF – Bundesamt für Migration und Flüchtlinge: 'Dienstreisebericht Griechenland', December 3rd 2008; UNHCR – UN High Commissioner for Refugees: 'Position on the Return of Asylum-Seekers to Greece Under the Dublin Regulation', April 15th 2008.

seekers from Caritas Vienna, the Hellenic Red Cross and the Greek Council for Refugees, and subsequently employed a snowball system approach by interviewing acquaintances brought along by some of the interviewees.

Additionally, the report contains information received through interviews with representatives of amnesty international Greece (ai), Caritas Athens, the Greek Council for Refugees (GCR), the Hellenic Red Cross (HRC) and UNHCR Greece.

The Fact-Finding Mission and the interviews were carried out in Athens and in the asylum seekers' accommodation facility at Lavrio, operated by the Hellenic Red Cross. Interviews with representatives of the above organisations and the asylum seeker from Nigeria were conducted in English. Interviews with Afghan asylum seekers were conducted with the support of an Afghan volunteer interpreter provided by Caritas Athens.

All transcripts of interviews with representatives of organisations and their publication (see section IV. of this report) have been approved by the respective interview partners. The identities of the interviewed asylum seekers are known to the Mission Team; for reasons of anonymity, their names have been replaced by letters.

All interviews were transcribed literally, the expert interviews were written down mostly in indirect speech.

In addition to the interviews the mission report also includes descriptions of visits to the Hellenic Red Cross Lavrio Refugee Reception Centre and the Aliens Police Division at Petrou Ralli street, Athens.

The main focus of our questions centred around the following topics:

- Access to the asylum procedure, specifically for Dublin returnees
- Reception conditions for asylum seekers, specifically Dublin returnees
- Availability of government support for asylum seekers, specifically Dublin returnees

III. SUMMARY OF THE MAIN FINDINGS

1. Access to the Greek Asylum Procedure:

Dublin returnees are usually able to lodge their asylum claims at Athens airport and receive their pink cards (asylum seekers' IDs) there within a few days after their arrival. Therefore their access to the Greek asylum procedure seems to be rather easy compared to other migrants². Nevertheless there seem to be other serious problems for these people, mainly caused by lacking procedural guarantees, information, translation and resources for legal counselling. This apparently very frequently leads to a premature abortion of the asylum procedure, a failure to lodge an appeal within the 30 day deadline and other problems³.

For other asylum seekers who are not returned to Greece under the Dublin Regulation, getting access to the Greek asylum procedure is still very problematic according to most of our interview partners⁴. From the information we received from our interview partners it seems that in Athens – where the vast majority of asylum applications is lodged⁵ – it usually takes several months (depending on nationality and presumed vulnerability⁶) of repeated queuing at the Petrou Ralli Police Division to lodge an asylum claim. It seems very likely that many migrants never get access to the procedure⁷. So far two to three persons have been killed in the turmoil during the selection process⁸.

² See interviews with amnesty international Greece, UNHCR and all asylum seekers except Mr. L who seems to have been denied the pink card after his return from Austria.

³ See interviews with Caritas Athens, GCR, amnesty international Greece, UNHCR Greece and all interviewed asylum seekers.

⁴ See Mrs. Maria Begoña Castiella Kalliga, Caritas Athens, and Mr. O during the On Site Visit at Petrou Ralli Police Division; see also interviews with GCR, UNHCR Greece, amnesty international Greece, Family B, Family H, Mr. J and Mr. K.

⁵ See interview with GCR.

⁶ See interview with UNHCR Greece.

⁷ See interview with UNHCR Greece.

⁸ See interviews with UNHCR Greece (3 persons killed), GCR (3 persons killed) and amnesty international Greece (two persons killed).

2. Accommodation (especially for Vulnerable Groups):

According to our interview partners there are in total about 700 – 1.000 accommodation places for asylum seekers in Greece⁹. About 300 – 330 of these are entirely funded by the Greek government at the Hellenic Red Cross Lavrio Refugee Reception Centre (HRC/LRRC)¹⁰. The remaining facilities are operated by NGOs, mainly with EU funding¹¹.

In 2008 about 20.000 asylum applications were lodged in Greece¹². At the same time there is a backlog of open asylum procedures of about 30.000¹³. From these numbers alone it follows that the vast majority¹⁴ of asylum seekers cannot be accommodated by the Greek government. This conclusion was unanimously corroborated by all our interview partners except one (Mr. I) whom we interviewed during our visit of the HRC/LRRC at Lavrio where he was accommodated after being sent there by GCR¹⁵. Asylum seekers who are not fortunate enough to get accommodated in one of the centres are not accommodated by the Greek government and do not receive any financial assistance by the government to finance private accommodation¹⁶.

Therefore most asylum seekers are forced to share small rooms with friends or relatives, live in abandoned houses, public gardens, parks or in the streets of Athens, or to spend their nights in so-called 'Afghani hotels'¹⁷.

Our interview partners basically agreed that only families, small children, single women and sick persons might have a slightly higher chance to receive

⁹ See interviews with Caritas Athens, GCR, HRC/LRRC and UNHCR Greece.

¹⁰ See interviews with HRC/LRRC and GCR.

¹¹ See interview with GCR.

¹² See interviews with UNHCR Greece and GCR. According to the latest UNHCR statistics the numbers of asylum applications in 2009 are similar than in 2008.

¹³ See interviews with UNHCR Greece and GCR.

¹⁴ About 90 percent according to a GCR estimate.

¹⁵ See interview with Mr. I; he mentioned that he had to sleep on the floor for about one week at the LRRC before he received a bed there.

¹⁶ See interview with UNHCR Greece.

¹⁷ See interview with Caritas Athens. According to our interview partners 'Afghani Hotels' are houses in which asylum seekers are allowed to sleep for EUR 100 to 200 per month. Otherwise they provide no hotel facilities whatsoever. Our interview partners suggested that there is overcrowding and no possibility to stay permanently.

accommodation at a centre after a waiting period of at least three to four months¹⁸. The chances of single men for accommodation seem to be very low. Many are never accommodated¹⁹.

Dublin returnees are facing the same problems concerning accommodation as other asylum seekers. There is no prioritization of Dublin cases²⁰.

The Greek police at Athens airport is supposed to cooperate closely with the HRC/LRRC. However, at the time of the interview there were only three families and three single men registered at the Lavrio Centre who were Dublin returnees²¹. Greek law does not provide a legal remedy to asylum seekers who are not accommodated²².

Accommodation facilities for Unaccompanied Minor Refugees (UMR) seem to be in place, but they can only guarantee housing and food. There does not seem to be any age-adequate care or education for the minors and the centres are located in very remote areas²³.

3. Government Support for Asylum Seekers:

Basic needs of those asylum seekers and Dublin returnees who are accommodated at the HRC/LRRC or another asylum seeker centre seem to be covered. However, all those who are not accommodated in one of the centres – according to a GCR estimate, this applies to 90 percent of all asylum seekers – do not receive any financial allowance, food, clothing or other material support from the Greek government²⁴. Some NGOs like Caritas Athens and other church institutions try to provide free food to asylum seekers via soup kitchens, food parcels and other means.

¹⁸ See interviews with GCR and UNHCR Greece.

¹⁹ See interviews with GCR, amnesty international Greece, HRC/LRRC, UNHCR Greece and all asylum seekers except Mr. I.

²⁰ See interview with UNHCR Greece.

²¹ See interview with HRC/LRRC.

²² See interview with amnesty international Greece.

²³ See interviews with GCR, ai and UNHCR Greece.

²⁴ See interviews with all asylum seekers (except Mr. I) and UNHCR Greece.

According to Greek law, asylum seekers have the same access to the Greek health system as Greek citizens²⁵. However, according to many of the interviewed asylum seekers, this possibility seems to be somewhat theoretical as access is said to be severely restricted by the language barrier, a lack of orientation and money for the transportation to the hospital²⁶. As far as we could find out, state hospitals do not provide interpreters, and some asylum seekers even claimed to have been refused treatment by hospital staff²⁷. As a result, many asylum seekers turn to the few NGOs that are providing medical services (e.g. 'Praksis'). However, due to their very limited resources, there are long waiting periods²⁸.

Migrants whose asylum procedure was terminated due to the lack of an official address are afraid to consult state medical facilities as they could be arrested by the police during or after their visit²⁹.

By law, all migrant children in Greece have access to the state education system³⁰. The interviewed asylum seeker families with school children however told us that their children are not going to school because of language problems³¹, lack of money³², lack of an official address³³ and termination of their asylum procedure³⁴.

There does not seem to be a legal remedy under Greek law for asylum seekers who do not receive government support. Some of the asylum seekers we interviewed even told us that their families were sending them money from Afghanistan so they can survive in Athens³⁵.

²⁵ See interview with Caritas Athens.

²⁶ See interviews with Mr. A, Family B, Family H, Mr. L, Mr. M and Family N.

²⁷ See interviews with Mr. C and Mr. L.

²⁸ See interview with Family H.

²⁹ See interview with Mr. K.

³⁰ See interview with Caritas Athens.

³¹ See interviews with Family G and Family N.

³² See interview with Family H.

³³ See interview with Family H.

³⁴ See interview with Family F.

³⁵ See interviews with Mr. D, Mr. E, Family F and Mr. M.

4. Access to the Labour Market:

According to Greek law the holders of pink cards (i.e. asylum seekers) can receive a work permit and therefore be legally employed³⁶.

In practise there seem to be very low chances at the moment to obtain a regular job³⁷. The main reasons seem to be the language barrier, homelessness (an official address is necessary for a work permit³⁸) and the economic and financial crisis³⁹. The latter seems to have led to a change of policy in some parts of Greece where work permits for asylum seekers are issued only if there is no Greek applicant for a job⁴⁰. Recognition of foreign degrees or other formal qualifications seems to be very difficult⁴¹.

As a result most asylum seekers seem to have no work or only very short-term work, mostly illegal and without their full labour rights⁴². The average wage for a full work day (up to twelve hours) seems to be around EUR 20 to 25⁴³.

Sometimes employers refuse to pay asylum seekers after completion of their work⁴⁴.

5. Legal Situation:

According to our interview partners the Greek asylum law and asylum system is 'fair on paper', but in practise it does not seem to be implemented as it should be⁴⁵. Some of the interviewed asylum seekers shared the impression that 'there is no law in Greece' for asylum seekers⁴⁶.

³⁶ See interviews with Caritas Athens, GCR, HRC/LRRC and amnesty international Greece.

³⁷ See interview with amnesty international Greece.

³⁸ See interview with GCR.

³⁹ See interviews with all asylum seekers.

⁴⁰ See interview with GCR.

⁴¹ See interview with GCR.

⁴² See interviews with GCR and amnesty international Greece.

⁴³ See interviews with GCR and Family G.

⁴⁴ See interviews with Family B and Mr. M.

⁴⁵ See interviews with Caritas Athens, amnesty international Greece, UNHCR Greece and GCR.

⁴⁶ See interviews with Mr. C. Similar views were expressed by Mr. D and Mr. E.

Specifically, legal provisions governing access⁴⁷, reception⁴⁸, legal services⁴⁹ and information⁵⁰ do not seem to be (fully) implemented by the authorities.

6. Procedure and Recognition Rate:

According to our interview partners the first instance asylum procedure is conducted by the Greek aliens police. Access is rather restricted⁵¹. Each police officer is supposed to conduct 20 to 25 interviews per day according to police guidelines⁵². This entails very brief interviews which comprise only about two questions per asylum seeker⁵³.

Dublin returnees are usually only asked to write down a few lines in their own languages about the reason(s) for their flight to Greece. There is usually no interview and no interpretation available at the airport⁵⁴. Some asylum seekers told us that they were not even asked to write down anything⁵⁵. Generally, there does not seem to be nearly enough information – let alone in the mother tongues of the asylum seekers – about the procedure, the possibilities for accommodation and support and for legal counselling⁵⁶.

First instance decisions are standardised, one-page, copy-pasted forms which are issued only in Greek. Country of Origin Information is not collected and used by the first instance. The decisions do not contain any reference to individual asylum cases, and generally state that the asylum seeker migrated for economic reasons and lacks valid grounds for refugee status⁵⁷.

⁴⁷ See interviews with UNHCR Greece, GCR, amnesty international Greece, Family B, Family H, Mr. J, Mr. K and Mr. O during the On Site Visit at Petrou Ralli Street.

⁴⁸ See interviews with all asylum seekers except Mr. I, as well as interviews with GCR, HRC/LRRC, amnesty international Greece and UNHCR Greece.

⁴⁹ See interview with GCR.

⁵⁰ See interviews with all asylum seekers, GCR, UNHCR Greece and amnesty international Greece.

⁵¹ See interview with GCR, UNHCR Greece and amnesty international Greece.

⁵² See interview with GCR.

⁵³ See interview with GCR.

⁵⁴ See interviews with GCR, amnesty international Greece, Family B, Mr. C, Mr. D, Mr. E, Family G, Family H and Mr. I.

⁵⁵ See interviews with Family F, Mr. J, Mr. K, Mr. L, Mr. M and Family N.

⁵⁶ See interviews with UNHCR Greece, GCR, amnesty international Greece and all asylum seekers.

⁵⁷ See interviews with GCR, amnesty international Greece and UNHCR Greece.

In 2008 the recognition rate of the first instance was 0.05 percent⁵⁸.

Until July 20th 2009, second instance decisions were taken by the Appeals Board. It consisted of six representatives of ministries and organisations, among them one UNHCR representative and one representative of the Greek Bar Association. The Appeals Board conducted hearings and used Country of Origin Information⁵⁹. According to our interview partners the Appeals Board was the first (and usually only) possibility for asylum seekers to have their claims reviewed on the merits⁶⁰. Its recognition rate was 10.29 percent in 2008⁶¹.

However, the Appeals Board was abolished by presidential decree 81/09 which entered into force on July 20th 2009⁶². This means that asylum seekers (Dublin returnees) whose claims have been rejected by the first instance can now only turn to the Greek Council of State (CoS), which was hitherto the third instance asylum authority⁶³. The CoS does not review the substance of asylum claims, it can only annul first instance decisions⁶⁴. Additionally the procedure before the CoS takes many years, requires legal support by a lawyer and is very costly⁶⁵. This means that in the future the vast majority of asylum seekers might not have the substance of their claims examined and could be unable to afford an appeal to the CoS against the negative first instance decision.

7. Violence and Xenophobia:

Many of the asylum seekers we interviewed told us that they had been verbally abused by the Greek police⁶⁶. The word 'Malaka'⁶⁷ seems to be widely

⁵⁸ See interview with UNHCR Greece.

⁵⁹ See interviews with GCR and UNHCR Greece.

⁶⁰ See interviews with GCR, amnesty international Greece and UNHCR Greece.

⁶¹ See interview with UNHCR Greece.

⁶² See interviews with GCR and UNHCR Greece.

⁶³ See interview with UNHCR Greece.

⁶⁴ See interviews with GCR, UNHCR Greece and amnesty international Greece.

⁶⁵ See interviews with GCR, amnesty international Greece and UNHCR Greece.

⁶⁶ See interviews with Family B, Mr. C, Family H, Mr. J and Mr. M.

used for Afghans by the Greek police. According to the asylum seekers we interviewed this word is regarded as highly demeaning and extremely offending by Afghans.

Some of our interview partners told us that they had experienced degrading treatment. Examples include:

- Asking a policeman at the airport for children's nappies and having to buy them from him for EUR 20⁶⁸.
- Asking a policeman at the airport for a cigarette and then having to watch him lighting and smoking one himself⁶⁹.
- Having the food thrown onto the floor at the Mytilini detention centre after being slightly late for dinner⁷⁰.
- Not receiving any food during the first day at the airport detention centre⁷¹.

Regarding physical violence, our interview partners claimed to have been subjected to the following treatment:

- Having the nose broken by a policeman⁷².
- Being slapped in the face when trying to collect their luggage at the airport⁷³.
- Being beaten at the Patra police station and losing one tooth, sometimes being beaten by Greeks⁷⁴.
- Being beaten in prison and given electric shocks when shouting⁷⁵.
- Having a door thrown into the face by a policeman at the airport and losing some teeth⁷⁶.

⁶⁷ According to Wikipedia, the Greek word 'Malaka' literally means 'wanker', but can also have meanings like 'arsehole', 'son of a bitch' or 'dick'.

⁶⁸ See interview with Family B.

⁶⁹ See interview with Family F.

⁷⁰ See interview with Family H ('We felt treated like animals, not humans').

⁷¹ See interview with Family N.

⁷² See interview with Mr. D.

⁷³ See interview with Mr. I.

⁷⁴ See interview with Mr. J.

⁷⁵ See interview with Mr. K.

⁷⁶ See interview with Family F.

IV. INTERVIEWS

1. Interview with Mrs. Maria Begoña Castiella Kalliga, Caritas Athens Refugee Centre, Management Committee Secretary

Mrs. Kalliga has been working for Caritas Athens as a volunteer for four years. Professionally she works as a journalist for the Spanish newspaper ABC.

Caritas Athens is a rather small NGO and has a small office in Athens with a secretary (organizing activities such as blood donations, visits to prisons, help for the elderly etc.) and a Refugee Centre. This Centre, located in the centre of the city, consists of five staff members and 70 volunteers. The volunteer members of the Board of the Refugee Centre are all Catholics. Some of the remaining volunteers are Muslims. Caritas Athens is not limiting its humanitarian aid to Catholics and Greeks. On the contrary, most of the recipients of its services are irregular migrants or immigrants living in poverty and mostly Muslims.

According to Mrs. Kalliga, migration in Greece has a very strong police and security connotation. Migration issues are dealt with by the Ministry of Interior.

Caritas is providing the following services to migrants:

- **Soup kitchen:** Caritas is operating a soup kitchen for foreigners which is open from Mo to Fr and provides lunch meals for 250 persons. The meals are distributed in principle on a “first come – first served” basis (exceptions are made for mothers and children). Clients are mainly from Asia and Africa (from Afghanistan, Somalia, Iran, Iraq, Egypt, Morocco and Guinea), a soup kitchen for Greek citizens is operated by the mayor of Athens. The target group for the soup kitchen consists of recently arrived irregular migrants and asylum seekers without a job. The vast majority are Muslims.

- Social counselling: The clients are mainly referred to Caritas by the Greek Council for Refugees (GCR), which does the legal counselling. The target group is the same as with the soup kitchen.
- Free provision of clothes, bed sheets, baby food and baby napkins, about 60 food packages for families per month, vaccinations for about 50 children per year and free Greek and English lessons.
- Specialised legal counselling by two volunteer lawyers. All other legal cases which cannot be covered are referred to the GCR.

State support for migrants:

- Unaccompanied minor asylum seekers are taken to specialised care facilities. According to Mrs. Kalliga they have to stay there until they reach the age of 18. After that they lose their legal status and become irregular. Usually minors seem to be accompanied by family members or other adults.
- Holders of pink cards (asylum seekers) can be employed legally and have (more or less and in theory) the same rights as Greeks. If they do not work, there are only about 300 (certainly less than 1.000) accommodation places in the Athens region (Lavrio camp, an Afghan facility and some places operated by two other NGOs). The rest of these people survive through family and friends, sleep in hostels, parks and abandoned houses.
- Asylum seekers with special health care needs are taken care of by an NGO called 'PRAKSIS' which operates in the Athens area. This activity is co-financed by the government.

- Health Care: Irregular Migrants have access to emergency health care in state hospitals. In theory the hospital medical staff have to report them to the police if they realise their irregular status. In practise this does not seem to be done. Caritas refers irregular migrants who need health care to the NGO 'Doctors of the World'. Holders of pink cards have the same basic state health care scheme as Greek citizens.
- Education: All migrant children have access to the public education system, no matter the legal status of their parents. Education is free of charge and so is the extra teaching provided for foreign school students.

Situation of Dublin returnees: These people are in a very difficult situation. Reopening the asylum procedure is very complex, therefore they need lawyers to represent them. Additionally, they usually arrive by plane and generally the police does not react very friendly to the returnees. In the end they mostly receive a deportation order after completion of the legal procedure.

Situation at Patra harbour: The situation is rapidly deteriorating due to the large number of migrants who want to leave Greece and the serious social problems this situation is causing. As a reaction the government recently decided to close the illegal camp at the outskirts of Patra and to move it to a military installation further away from the city in the near future. The municipality of the city has a soup kitchen for 1.000 persons per day.

The level of xenophobia in Greece is low so far. It is worse at Patra, this is why the government tries to find a solution. After the visit of the mission team⁷⁷, there was a strong and violent demonstration with protests from the Muslim community in Athens against police intimidation. This followed some incidents with a policeman allegedly stepping on Koran pages during a routine inspection. This protest and other factors made the Government announce new measures in illegal migration and asylum seeker procedures. The fact that in the European Elections the very right wing party LAOS insisted on the subject of migration and got 7.15 percent of the votes, and

⁷⁷ This part of the text was added by Mrs. Kalliga after the mission visit when she reviewed the interview transcript.

especially the votes of those living in the centre of Athens, worried the government. The idea is to keep legal migrants and discourage irregular migration. Illegal migrants will be kept up to twelve months in detention centres and those illegal in the centre of Athens will be taken to some military barracks in Aspropirgos (near Pireus). Also the law will change for traffickers: up to now they were charged only with a misdemeanour, and from October 2009 it will be a criminal offence.

Greek Citizenship: According to Mrs. Kalliga it is very difficult for migrants – and even their children who were born in Greece – to acquire the Greek citizenship. The reasons for this are firstly the long waiting period of at least ten years of continuous legal residence in Greece, secondly the high cost of the application (more than EUR 1.000). The application might be rejected with no explanation and you can only apply again at least one year after.

‘My colleagues and I at the Caritas Athens Refugee Centre consider that Greece is a difficult country for migrants and especially irregular ones. It is a country of passage, where it is easy to survive due to the good weather, the many small jobs available on a daily basis and the fact that people are not overtly xenophobic. The existing law is not always implemented and there is a serious lack of legal information for migrants and refugees.’

2. Interview with Ms. Constantina Zioga and Mr. Alexandros Anastasiou, Greek Council for Refugees (GCR)

Interview partners:

1. Ms. Constantina Zioga, lawyer, GCR refugee counselor since 2006, before that practice in a law firm
2. Mr. Alexandros Anastasiou, Social Unit Coordinator, responsible for the Social Services Department of GCR since 2003

GCR does not receive direct government funding. Its funding depends on the number of project proposals it submits and for which it subsequently gets an approval for funding from the Greek ministries, from Greek companies and from EU funds i.e. ERF, Daphne etc. The remaining funding comes from Greek institutions, fundraising events (e.g. concerts) and the collection of private donations, which comprise a small percentage of GCR's budget.

GCR is employing about 45 staff in the central building (nine lawyers, nine social workers, one employment officer - political scientist). About twelve more staff are working in a centre for migrants with mental problems (day care centre and reception centre).

GCR was providing Social Services to approx. 5.000 migrants in 2008. Legal assistance was provided to about 23.000 migrants in 2008. This means that the lawyers have to deal with an average of 75 – 100 people per day.

All asylum seekers and prospective asylum seekers who come to GCR receive legal counseling. However, only some very vulnerable cases are represented during the hearings/interviews before the police officers during the first instance asylum procedure – there is no capacity for more as GCR only has nine lawyers. In the first instance everybody gets a negative decision anyway, more or less 'automatically'.

GCR lawyers write the appeals for asylum seekers who received their negative first instance decision (40 – 70 cases per day); since there are too many for GCR's capacities, migrants from Pakistan and Bangladesh are referred to their respective communities.

For all of those who GCR determines fulfill the criteria set forth by the Geneva Convention to be recognized as refugees or to receive humanitarian protection, they also provide full representation. The most common Nationalities of asylum seekers in Greece are Afghans, Somalis, Iraqis, Sudanese and Iranian Kurds who usually have credible cases.

As a measure of last resort GCR sometimes lodges an appeal against decisions of the Appeals Board to the Greek Council of State (CoS). This procedure is very long and very expensive. As there is no financial support any more for this from UNHCR Greece, GCR lately – given the lack of funds – asks migrants to cover the pertinent cost. Yet, GCR still covers the cost for some very vulnerable cases. At the moment there are about 290 cases pending before the Council of State. Since the appeal is extraordinary, the Council of State can only overturn previous decisions, not decide on the merits. The procedure takes six to seven years and GCR wins nine out of ten cases. The appeal to the Council of State only has suspensive effect if the appeal for interim measures is accepted as well-founded by the court.

Legal counseling for and representation of asylum seekers is also offered by the Ecumenical Refugee Program which is the only other official Organization active in this field. Apart from this there is the so-called 'Group of (volunteer) lawyers' which consists of at least seven lawyers who offer pro bono services to asylum seekers. Only GCR takes cases to the courts and attends the hearings, the others restrict themselves to writing appeals etc. The Greek government does not provide any legal services, although Greek law calls for the provision of free legal services to asylum seekers for appealing negative decisions on their asylum claim, but only to the Council of State.

GCR has access to qualified interpreters, but not enough (three Farsi, two Arabic, one Urdu, one Turkish, GCR staff speaks English and French). If another language is required, interpreters are hired for about EUR 30 per day.

GCR's access to asylum case files is a big issue; GCR needs authorization from the client which is difficult, because the asylum seeker has to go to the police to authorize GCR. Therefore it is almost impossible for migrants without a pink card since they would risk detention and deportation. In these cases a notary public has to be consulted and that is expensive.

Even if GCR does get the authorization, it takes weeks to get access. GCR almost never sees the file, until about ten minutes before the interview before the Appeals Board which decides at second instance. The reason for this is that the police are withholding information due to 'security reasons'.

Files can only be copied if you apply about two months in advance – although Greek law stipulates that authorities should answer such requests within ten days.

GCR does have access to Country of Origin Information via the internet and other sources.

According to the law, asylum applications can be lodged at any police aliens division throughout Greece (there is at least one in every prefecture). In practice 95 percent of all asylum seekers apply in Athens. If someone applies in the border areas they might be detained for up to three months (families usually shorter); this deters people from applying in those regions.

The Greek asylum authorities appear overwhelmed with the tasks assigned to them, given the great number of asylum applications lodged particularly over the last three years.

The "demand" for their services, i.e. lodging an application, has resulted in a quota system by which certain nationalities are permitted to enter the main and central offices of the Aliens Police Division at Petrou Ralli Street in Athens. This system may allow alien department employees to operate better, yet the problems for the prospective applicants remain as hundreds of people regularly gather outside the

offices waiting to be chosen for entering the building. The big crowds outside the building have reportedly played a role in the havoc which is being created and which apparently has cost the lives of three people thus far.

It should also be mentioned that there is strong police action at the moment⁷⁸ which might deter many migrants from going to Petrou Ralli street right now.

Normally, from Friday night to Saturday morning there are hundreds of people queuing at Petrou Ralli Street. Police select about 300 people out of these (giving priority to women, families and children) and they are allowed to hand in their asylum applications and get an appointment for an interview within the following two weeks. On average it takes about two to three months to get inside and lodge an asylum application

First instance asylum interviews are sometimes only conducted by an interpreter, not the officer in charge. COI is usually not collected, decisions are taken without valid information. The first instance decisions including the reasoning in the decisions are mostly copy-pasted – apart from the names of the asylum seekers. The decisions only cover one A4 page, are only given in Greek and there is no concrete reasoning with regard to the individual circumstances of the cases.

These are some of the reasons as to why many do not want to apply for asylum in Greece, but prefer to go to another country.

The first instance Greek asylum procedure is not a fair procedure. There are many reasons for this:

- The Greek police is not the right authority, as it can not be impartial given the dual role it is asked to play. That of the protector and of the prosecutor at the same time. Apparently there is a conflict of interest between protection needs and police and security aims.
- Police officers are not trained and do not have sufficient knowledge of asylum law.

⁷⁸ In the wake of migrants' riots on Syntagma square two days before the interview.

- At least the second instance should be an independent authority. Now the Appeals Board consists of six persons, the majority are public officials – apart from UNHCR and one bar association representative.
- Greece is not fulfilling its obligations under the EU Reception Directive.
- The procedural obligations are also not met:
 - Access to the asylum procedure is very much restricted
 - Asylum seekers do not nearly receive sufficient information and all information is provided usually only in Greek.
 - There is not sufficient interpretation during the first instance procedure.
 - No individual treatment of cases, very generalized decisions
 - ‘Economic reasons’ as a general assumption about the reason for immigration
 - Very brief interviews, no possibility to tell your story; just two questions, that’s it
 - Each police officer should conduct 20 to 25 interviews per day according to police guidelines.
 - Interpreters sometimes conduct the interviews.
 - Most asylum seekers approach GCR only after a negative decision of the first instance, so the options are often limited.
 - No special care for asylum seekers with special needs (trauma, etc.)
 - No Country of Origin Information is collected or used during the asylum procedure.

The quality of the first instance decisions is very low and there is no individual case by case evaluation. There is no written or oral explanation as for the decision’s content or their right to submit an appeal against the first instance decision within 30 days; they just tell the asylum seekers “go to GCR”.

Many asylum seekers who miss the 30 day deadline to lodge an appeal have their files closed and are facing deportation without ever having their claim examined on merits – due to the low quality level of the first interview.

The quality of the decisions of the second instance is a little better because:

- A UNHCR representative who knows about the situation in the countries of origin is a member of the Appeals Board
- A bar association member is present
- The asylum seeker's lawyer can present documents concerning the situation in the country of origin
- The Appeals Board now has decision making power since summer 2008. Before that it could only give recommendations to the Ministry of Interior which were non-binding; this has increased the quality of the second instance procedure. Not many second instance decisions have been issued and published so far though, therefore GCR does not have a clear image of the issued second instance decisions so far. There are more questions however, and more time is been dedicated to the interview; it seems that this decision making power is hard for the Appeals Board because of the responsibility and the large amount of work, maybe they even want to remove the decision making power again.
- The current plans for a Presidential Decree to abolish the possibility of an appeal against the first instance decision has not been voted on so far, if it is adopted by parliament, getting the necessary approval of the Greek Council of State will be difficult, as abolishing the effective appeals instance would clearly be in violation of Art. 13 of the ECHR. In our opinion the Appeals Board should remain unchanged. Even the proposal for these changes is a very bad sign for the asylum procedure in Greece.
- *On July 11th 2009 the GCR amended its interview statements via email with the following information: Actually the new presidential decree 81/09 which abolishes the second instance Appeals Board has been approved by the Council of State and will be implemented after July 20th 2009! Lately, most of the hearings before the Appeals Board have been postponed, probably because of its upcoming abolition.*
- The majority of Iraqi Christians who were interviewed by the Appeals Board received asylum; in 2008, out of a total of 358 persons who received asylum, 339 were Iraqis. In total there were about 19.000 asylum applications in 2008.
- In 2008 21 persons received a humanitarian status, in 34 cases the humanitarian status was renewed (renewal every year, now every two years – but not for those

granted humanitarian protection due to health problems – this still is renewed for only one year)

- In 2009 so far four persons got asylum, and three renewals of humanitarian status were granted. Since January 2009 about 1.200 applications per month have been lodged and about 45 Dublin returnees arrived per month.

There is no interpretation at the airport for Dublin returnees and no interview at all. They are just asked to write down in their language why they left their country (in five lines). They are obliged to declare permanent residence. The majority of them remain homeless and are therefore unable to declare an address, so police can interrupt their asylum procedure according to Greek law.

During the recent months there were about 20 cases of persons returned from Austria who turned to GCR. Among them were families and one Afghan whose minor son is still in Austria with a pending asylum procedure. The return decision in this case was a very bad copy-paste as there were still references to Poland in the text⁷⁹.

In the first instance and Appeals Board procedures interpreters are available, but not always for all the required languages. For example, three Pashtu speaking asylum seekers were interviewed in Urdu, a Somali in Arabic, no interpreters are available for some African dialects. In the majority of cases there seems to be proper translation.

The main reason for the low recognition rate in Greece is not the nature of the cases, but government policy.

The main reasons for a decision (as for the Iraqis) to be overturned by the Appeals Board are that the first instance decisions are usually already very old (2003), so the situation in the countries of origin could have changed. Generally, there is not a lot of reasoning about the first instance decisions as they are all exactly alike and do not contain reasoning on the individual circumstances of the cases. Basically the Appeals Board decision is the first time the asylum claim is dealt with on the merits. Therefore,

⁷⁹ See the interview with 'Family F' below.

all those who have missed the appeals deadline have no real evaluation of their claims at all.

According to the law there is only one possibility for an asylum claim; only in very few cases asylum seekers manage to lodge more than one claim.

Asylum seekers from Afghanistan, Iraq and Somalia do not regularly receive subsidiary protection.

Turkey is effectively regarded as a safe third country by the first instance authorities, but without any reasoning. The Appeals Board does not regard Turkey as a safe third country.

The Greek state does not provide asylum seekers with the necessary support. It takes at least three to four months to get accommodated in a reception centre. At the moment there are about 75 families GCR is aware of (registered in GCR) waiting to be placed at a reception center. Single men have to wait for many months, many never get a place.

There are approximately 700 – 800 places in about ten reception centers all over Greece; only three operate with funds directly coming from the state budget whereas the rest are primarily funded through the ERF and are co-financed by the state by 25 percent; More money is planned to come from the EU/ERF next year.

There is at best a chance of ten percent to receive accommodation. The rest have to get by somehow.

It is impossible to say how many asylum seekers are working. Most have only very short-term work and the economic crisis is hitting them hard at the moment. It is very hard and almost impossible to get a foreign education or degree recognized in Greece.

Latest development for the last year in some areas: Work permits for asylum seekers will only be issued when there is no Greek person applying for the job. If someone is homeless there is no work permit.

Incomes are very low in Greece, even for nationals. So it is very probable that it is even less for migrants. GCR knows about cases where people were working for twelve hours for EUR 20.

GCR knows about only one Dublin returnee case who has been accommodated at the Lavrio camp. The number of asylum seekers in Greece is now about 20.000 per year.

Unaccompanied Minor Refugees (UMR) should not be sent back to Greece if they have not already applied for asylum there. Facilities for UMR are in place, but they can only guarantee housing and food, not any age-adequate care or education. There are centers where there are one or two professional staff members for 40 children. The amount of services provided solely depends on the amount of money coming from the EU. The levels are very different and there is no minimum standard for services and staffing and qualifications. The centers are open, children can leave them if they want. In some centers there is no adequate care for the UMR. There are now five centers for UMR with a total capacity of about 200 people. Capacity is supposed to increase. While the law imposes that the prosecutor or someone set by him should take the custody of the unaccompanied minors, that rarely happens.

The ministry of health and social solidarity is responsible for evaluating the operation of the centers. However the lack of clearly defined common minimum standards of operation makes such an evaluation rather subjective.

Only about ten percent of those who enter Greece will apply for asylum; there is a big turnover of asylum seekers in few centers.

If an asylum seeker doesn't have accommodation or an address his claim might be interrupted or any decision might be handed to public services as of unknown residence, so the applicant will miss the deadline to lodge any appeal. Sometimes,

after the first interview asylum seekers do not immediately receive a pink card, but an official note and another appointment for one month later to get the pink card and the first instance decision together. According to Greek law they should receive the pink card within three days after their asylum application; it should – according to the law – be removed when receiving the first instance decision; an appeal has to be lodged within 30 days. Usually the police gives asylum seekers the pink card and the first instance decision on the same day without explaining to them the context of the decision and the right for appeal; as a consequence many people miss the deadlines.

The first instance decision is given only in writing and only in Greek; asylum seekers do not receive oral guidance about their rights and obligations in their language; there is a written leaflet in several languages about these procedural matters, but it is rarely given to asylum seekers – never during the approx. 200 interviews which Ms. Zioga has personally witnessed so far. It is the same for the Dublin returnees at the airport; there should be an interview at the airport – actually it does not happen, usually they are only asked to write a brief paragraph in their language about the reasons for leaving their country. There is no interpretation at the airport. Returnees should present themselves to Athens aliens division to declare permanent residence; since they are not informed in a language they understand, many miss this opportunity which might interrupt the whole asylum procedure. The lucky ones go to GCR and are informed, declare their permanent address – or their permanent homelessness. This is why it is so difficult to (re)start the asylum procedure for Dublin returnees.

Sometimes returnees receive their first instance decisions at the airport and miss the 30 days appeals deadline as nobody informed them about it.

Access to the aliens division is also difficult; sometimes they just tell asylum seekers to go away and come back the following week, etc. There was a case of three persons who had to make an appeal against the first instance decision and they did not get access to the aliens division three times and were advised to come back after the end of the appeals deadline.

3. Interview with Ms. Danae Christophorides, Ms. Katerina Vryoni and Ms. Virginia Pefani, Hellenic Red Cross Lavrio Refugee Reception Centre (HRC/LRRC)

Interview partners:

1. Danae Christophorides, Vice Director of Lavrio Camp, since 2003; before that working for International Social Service (ISS), cooperating with UNHCR Greece since 1977
2. Ms. Katerina Vryoni, Responsible Social Worker of the Refugee Reception Center of Hellenic Red Cross in Lavrio city, working in the Lavrio camp since 2005
3. Virginia Pefani, Social Worker, working in Lavrio since 2007

The Refugee Reception Centre of HRC at Lavrio city is funded by the Greek Ministry of Health and Social Solidarity. There is a contract between the Ministry and HRC which is renewed every year. It contains among others detailed minimum accommodation standards. Funding includes: Food, accommodation, medical-pharmaceutical expenses, social service activities, general cost (maintenance) and salaries for the staff.

The Centre at Lavrio has been in operation since 1947, after WW2; It has always been operated by the Hellenic Red Cross. Originally, the Social Service was provided by the ISS and it was supervised by UNHCR; in 2003 ISS and UNHCR left the centre and the Social Welfare Division of HRC took over the Social Service Department of the Centre.

The Centre consists of three buildings, at the moment 300 persons are accommodated (about 100 per building); at the end of summer and in autumn the centre is usually full; Nationalities: 200 asylum seekers are Kurds from Iraq, Turkey, Syria and Iran. 100 are from Afghanistan, partly born in Pakistan; no Africans; asylum seekers of the same nationalities are put together if possible to avoid problems.

As for the accommodation of Dublin returnees, at the moment there are three families and three single men (all Dublin returnees) registered and accommodated at the LRRC.

Of course, the lawyers of GCR provide legal assistance even to cases not registered at the LRRC and living in the wider area of Lavrio. So there are two more cases of Dublin returnees outside the LRRC.

The maximum number of asylum seekers who can be accommodated at the Centre is 330 persons, more is impossible; All have an asylum seeker ID, apart from those who are newcomers – in these cases HRC/LRRC tries to get the ID as soon as possible.

At the Reception Centre there are 31 staff (social workers, administration, translators, maintenance, doctor, nurse, storekeeper, kitchen staff, security) plus teams of volunteers (twelve nursing, 13 social welfare division volunteers) which come twice a week.

HRC has interpreters for the following languages: one Turkish-Kurdish (various dialects), one Farsi.

A police station is next door. The HRC/LRRC staff works in shifts from 6.45 – 19.15h. Outside these times the police department next door is responsible for the Centre.

There is not sufficient accommodation capacity for all asylum seekers in Greece. This is impossible. There are too many; the government has ordered the police at the airport to cooperate with the Lavrio Centre and to accommodate returnees there, especially sensitive cases. Just recently a family (mother, four children) who returned to Greece from Denmark was sent to Lavrio; the Centre was full, so HRC/LRRC and the mayor of Lavrio provided a flat. Most of the people living in the Lavrio Centre are sensitive cases (families, torture victims, sick people, single parent families, handicapped people, people with psychological problems).

According to HRC accommodation standards at Lavrio Centre comply with the EU reception directive. The services are implemented regarding the special needs and features of the target group. The staff of the Centre is trained and well experienced in refugee issues. Living conditions at the Lavrio Centre are better than in many other centers and there is no overcrowding.

There are minimum standards for the accommodation of asylum seekers, such as: Separate rooms for families and couples, max. four to seven single men per room, three meals per day, provision of monthly hygiene amenities, availability of medical care inside the centre (first level in centre, second level community facilities, third level state hospitals, medicine and medical treatment is free for asylum seekers), baby food. Asylum seekers do not receive financial support from the Greek state as they have access to the labor market, but they can receive benefits such as:

- Allowance for uninsured elderly (by the Agricultural Insurance Agency)
- Allowance for disability over 67 percent (by the Ministry of Health and Social Solidarity – Social Welfare Department)

Health prevention is enforced, information about diseases is given, lectures are given:

- Education (there are 70 children in the camp): All children are registered at the schools at Lavrio and are studying; they get all the necessary materials they need, all expenses for the school excursions are covered; there is a teacher at the camp who does tutoring four hours per day from Mo-Thu. There are also lessons for the adults (two male groups, one female group) in Greek language.
- Employment: Due to the financial crisis the job situation is bad this year. Most asylum seekers are unemployed this year. Last year the situation was better, many employers even provided flats to the asylum seekers. HRC tries to promote jobs for asylum seekers. Work permits for them are being issued. Now many are working on the black labor market, as employers do not want to register them with social security. People should be empowered to find their own jobs.

- Organizing athletic activities, for recreation, which are very popular; the equipment for all the athletic activities (football & volleyball team, sports activities for the children) has been provided and there are even tournaments.

Single women are sensitive cases. HRC/LRRC is trying to find jobs for them, to inform them about education possibilities. Due to the remote location of Lavrio Centre it is a problem to go to Athens where most government or other NGO programs for refugees are; therefore HRC/LRRC is trying to involve them in sports activities, in Greek language lessons in the Centre and in the actions of the Multicultural Centre at Lavrio.

As for the appeals procedure, HRC/LRRC legal service (cooperates with GCR) writes appeals for accommodated asylum seekers who get their first instance rejection. Sometimes in very strong cases also complaints to the Council of State are filed. Asylum claims can be lodged at the aliens' police office next door. Almost every asylum seeker gets a final rejection; still, their pink cards are renewed for years.

As for the plans of a Presidential Decree abolishing the possibility of an appeal against the first instance decision, to HRC's knowledge they are just on paper so far. Whatever the legal framework is, we are trying to implement the aims we are given.

From a humanitarian perspective, abolishing the second instance would not be fair.

General Information:

The following other organizations offer accommodation for asylum seekers in Greece:

- HRC – Refugee Centre of Ano Kallithea Sperhiadas: it has been operating since 24 October 2001 and offers accommodation to families who have requested asylum. Capacity: 100 asylum seekers. The Centre has one social worker, one nurse, a school teacher and a translator.

- HRC – Refugee Centre at Volos for Unaccompanied Minors, operating since 23/02/2008. Capacity: 24 people; the Centre has two Social Workers, one gymnast, one teacher, one interpreter, one driver and collaborates with a lawyer and a security guard service for the security of the centre (four guards).
- UMR centre at the island of Crete, operated by the National Youth Foundation (NGO), Capacity: 25 unaccompanied minors.
- Refugee Reception Centre of “Social Solidarity” (NGO) at Thessaloniki for 70 asylum seekers.
- NGO ARSIS, offers accommodation for 30 unaccompanied minor asylum seekers at Makrinitza (community of the prefecture of Magnisia)
- GCR runs a reception/accommodation program for adult refugees with psychiatric problems. Capacity: ten people.
- In Attica there are some apartments for asylum seekers which are financed through NGO programs: e.g.:
 - 1) The NGO PRAKSIS runs the program “STEGH” (“shelter”) for 50 asylum seekers. It offers accommodation in five apartments.
 - 2) The NGO “Voluntary Occupation of Athens” offers accommodation in apartments for 26 asylum seekers.

Additional organizations which provide services (except accommodation) to asylum seekers are:

- HRC – Multicultural Centre at Lavrio organizes cultural and educational activities for all asylum seekers, migrants and the local people in the area
- HRC – Multifunctional Centre in Athens organizes cultural and educational activities for all asylum seekers
- GCR runs an open day centre for refugees
- UNHCR
- Network of Social Support for Refugees and Migrants
- International Organization for Migration
- PRAKSIS (in various Greek prefectures)
- Ecumenical Refugee Program.
- Greek Institute for Solidarity and Cooperation.

The total number of asylum seekers who can be accommodated in Greece by the government or by government-funded institutions is approximately 1.000 persons in total.

There is an official 'waiting list' for accommodation. There is an order from the minister to cooperate closely with GCR. GCR knows that sensitive and difficult cases can be referred to the Lavrio center.

The GCR waiting list contains mainly single young men. Those who cannot be accommodated in one of the centers have a major problem: they live in the streets or parks in the centre of Athens; Many single men or families rent flats together and live there.

Dublin returnees are in the same situation with regard to accommodation.

For very sensitive cases which arrive at the airport and are not Afghanis or Iraqis a solution will be found.

If there is a sudden influx of many very vulnerable Dublin cases it is a political decision if they will be accommodated at a hotel. There is a special budget for that at the ministry. This happens sometimes during summer time. GCR is taking care of these people. Last year 150 Afghans were transferred from an Island into a very nice summer camp. HRC took care of the administration.

4. Interview with Ms. Georgia Trismpioti, amnesty international, Greek section (ai)

Interview partner:

Ms. Georgia Trismpioti, director of amnesty international Greece.

Amnesty international Greece is at the moment conducting a project which deals with the Dublin Regulation and the situation of Dublin returnees in Greece. It will be finalized in September 2009 and there will be an English report. The report will include the results of interviews with authorities, NGOs, asylum seekers and representatives of embassies of EU member states. The report will focus on the reception conditions of Dublin returnees, specifically accommodation, medical treatment, education, pocket money and the access to the Greek asylum system.

The preliminary findings of the research we have been conducting for the planned study on Dublin Returnees to Greece are the following:

- The law in Greece is very good; but there is a huge gap between legal theory and practice.
- There will now probably be a change for the worse through the abolition of the Appeals Board, which could very well happen soon.
- The Patra issue is a real problem; The asylum seekers and migrants trying to escape from Greece gather at a former camp and live under very bad conditions. Sometimes they try to hijack a bus to go to Italy and then further to other countries. At Patra there are all kinds of violations of human rights, there is no care at all, there is racism and hate. Now there are about 600 people there and all are trying to leave Greece.

Dublin returnees in our experience have to face the same difficulties as all the other asylum seekers; it is easier for them to have the pink card (they receive it at airport); but according to Greek law within the following five days they have to report their address to the police – since most of them do not have an address, they cannot do it and get problems with renewing their pink card. If they fail to report their address in

time, they lose their asylum procedure and can not even appeal and have their cases reviewed. With regard to homeless people, there is no standard practice; the worst case is detention for three months (if they are not from a safe country and therefore cannot be deported), after that they will receive a paper which tells them to leave Greece within 30 days and are set free into illegality. If they are again found by the police, they can be arrested again and the procedure starts all over. This worst case procedure refers to undocumented migrants only. Asylum seekers with valid pink cards are not detained.

With regard to accommodation for returnees there is a waiting list for families; it can take months until they get a place to stay. Before that they have to live in the street. One Sudanese torture victim told ai that he had been trying to find accommodation for six months. Only for families, minors and women it is slightly better, but they also have to wait long.

Some will never be provided with accommodation. It is impossible to say how many are not accommodated. ai's experience suggests that there are at least hundreds of asylum seekers who do not have a permanent place to stay and frequently have to sleep in parks, on balconies or in changing flats or houses. ai's research interviews about Dublin returnees so far show that the vast majority of Dublin returnees does not receive government accommodation. Families and single women have slightly better chances than average, the chances of single men to get accommodated in a centre are very low.

Returnees like all asylum seekers can have a work permit after having received the pink card. But the job situation is very difficult and it is very hard to find a job. Even if you find a job it will not be one giving you the full rights – many employers do not register asylum seekers with the social security agencies.

As for the quality of the decisions of the first instance, all decisions are exactly the same. Only the name is changed, sometimes not even the gender. There is no consideration at all for the individual circumstances of the case. Therefore they have a very bad quality. There are practically no positive decisions (0.6 percent in 2006).

There is a lack of interpreters, decision makers are often unqualified and untrained and there are conflicts of interest since they also work in the security system.

Almost all the positive decisions come from the second instance. Many people do not manage to lodge an appeal though, because they miss the deadline.

The Greek asylum system is fair on paper, the practice is the exact opposite. Even access to the first instance is difficult. So far two people died in the attempt to lodge their asylum claim during the last months. For Dublin returnees the problem is that there is no proper interview. Name, age and nationality are the only information which is collected. Asylum seekers do not receive information that they can understand about the appeals deadline. Therefore most people fail to appeal in time.

According to ai's opinion the very low rate of asylum recognitions has the purpose of sending a signal to countries of origin that there is no hope; it is intended to deter possible asylum seekers.

Asylum seekers do not receive any information on their procedure in writing and they are not informed in their language. The only paper they receive is the (negative) decision, and it is only in Greek.

The plan to abolish the Appeals Board is a very bad idea, as all the positive changes have come out of the Appeals Board; if it does not exist any more, there will be no asylum at all. In ai's opinion the reason for this proposal is to deter as many potential asylum seekers as possible.

As for appeals to the Council of State (CoS), GCR (which offers the only free legal services) has very limited resources. The CoS can only overturn decisions, not decide on the merits. The whole procedure from pink card to a final decision of the CoS can easily take ten years. If the CoS overturns a decision, the other instances so far have not reacted by granting asylum. Therefore this is not a viable legal remedy. Additionally it is very expensive. The attorney's fee is approximately EUR 3.000,

additionally there is a legal court fee (more than EUR 1.000) to the authorities. All in all it might amount to several thousand Euros per person.

There is no legal remedy for asylum seekers or Dublin returnees who do not receive accommodation. A complaint based directly on the EU Reception Directive has never been tried so far.

Even if the authorities confirm that everything will be fine for a person if he/she will be returned to Greece, they will not be accommodated. Many such cases are known to ai.

There exists a DVD with a Danish news report from April 2009 about the living conditions of asylum seekers in Athens. It was recorded by a Danish journalist called Daniel Öst. The information was accurate. Now it is even worse as the possibility of living in some abandoned houses in the center of Athens has been removed. Many asylum seekers now have to sleep in some parks in the center of Athens or in houses/flats with friends.

Unaccompanied Minor Refugees (UMR): Many of them are sleeping in the streets of Athens, either because they have received adult papers from the police or because standards at the centers are too poor or the centers are in the middle of nowhere. ai knows about the following centers for UMR:

- Crete: 25 places; there is a nine-year-old boy living there now, without any fostering
- Mytilini: Number of places unknown
- Konica: 50 UMR and only one caretaker

5. Interview with Ms. Kalliopi Stefanaki, UNHCR Greece

Interview partner:

Ms. Kalliopi Stefanaki, protection officer of UNHCR Greece and UNHCR representative in the Greek Asylum Appeals Board; Ms Stefanaki has been working for UNHCR for 2.5 years; before that she was working for the Greek Ombudsman for asylum seekers and migrants.

UNHCR Greece has one representative in each of the three Appeals Boards. They hold three sessions per week, all in Athens at the Ministry of Interior. Each Appeals Board consists of six permanent members, that means 18 in total. There are approx. 24 alternate members. In sum there are about 42 decision makers. The secretariat consists of six to seven persons for all three appeals boards, which is not enough by far and slows the decisions down considerably. It is also a problem that the police officers in the secretariat also have other police tasks like squelching migrant riots, etc.

Consultants are replacing as alternate members UNHCR's staff members, like Ms Stefanaki, who are permanent members. The consultants are paid by the Ministry. These consultants are lawyers, trained in asylum law and fully acquainted with the UNHCR positions.

Every member of the Appeals Board is supposed to decide independently. They are representatives of ministries and organizations, but they are on the Appeals Board in their personal capacities. Sometimes some members, influenced by their profession, might have predetermined fixed convictions with regard to some countries of origin. All members also claim to be independent.

The number of asylum applications in Greece is about 20.000 per year at the moment. The numbers have risen substantially over the last decade. Currently there are about 30.000 appeals pending.

The average duration for manifestly unfounded claims including the interview and everything else is about 30 minutes. In other cases (e.g. Iraqis) the hearing can take up to 1.5 hours before all the members of the Appeals Board. 30.000 appeals were pending at the end of 2008. The police headquarters, not the Appeals Board itself, selects those asylum seekers who are going to be interviewed by the Appeals Board. The Appeals Board receives a list for the interviews. The Appeals Board and UNHCR have presented their objections to this already. Primarily Iraqi Christians (very old cases, high recognition rate – almost all examined cases of Iraqi Christians since summer 2007 were granted the refugee status or subsidiary protection) and manifestly unfounded cases are on these lists now. Sometimes the notifications are on very short notice, only five days before the hearing. Therefore the association of Iraqis in Athens is informed simultaneously by UNHCR, so there are more guarantees that the persons shall be effectively informed of the hearing on their case. If they do not appear it is very bad for their chances of recognition. UNHCR proposed the creation of an ad hoc appeals board which should clear the backlog of 30.000 pending cases. This proposal was seen positively by the government. Implementation is pending.

The Appeals Board conducts a hearing in every case. Since November 2008 until March 2009 20 persons for each session were invited, an average of ten persons appeared. The decisions are taken during the sessions. The major problem is drafting the decisions which takes too long. The Presidents of the Appeals Boards have complained to the ministry. Now there are only three to five cases per hearing. Just lately Afghan cases from reception centres are being convoked in priority in order to get free spaces at the camp.

Interpreters do not have to pass any exams in Greece, there are no standards or formal qualifications. They are recruited on the basis of an interview with a member of the secretariat of the Appeals Board. UNHCR and other members of the Appeals Board have already rejected interpreters because of the bad quality of their interpretation.

Sometimes appellants are legally represented during the appeals procedure. GCR is representing many of the Iraqi cases for free. There are also private lawyers, mostly for manifestly unfounded cases. It is possible that some lawyers are giving unfounded hope to migrants that they could be recognized as refugees. The majority of asylum seekers is not represented during the second instance procedure.

In 2008 the first instance recognition rate was 0.05 percent. The recognition rate of the Appeals Board was 10.29 percent. Additionally, 0.63 percent of appellants were granted humanitarian status or subsidiary protection. The vast majority (95 percent) of those who were recognised as refugees were Iraqi Christians.

So far the Appeals Boards have not been dealing systematically with Somali cases at all – just with very few singular and very vulnerable cases. About one or two months ago the Appeals Board started convoking Afghans for the procedure, mainly from the reception centres, to get free places. Most of them received a positive decision (subsidiary protection). But these are only some cases within the very large pending number. Now – due to the new presidential decree abolishing the Appeals Board – a new Appeals Board will have to be appointed for the pending cases, with only advisory power. Illegally staying Afghans are now returned to Afghanistan again, since some time ago. About 25 of them have been returned so far. There is a collaboration with the Afghan diplomatic representation in Sofia. They are issuing travel documents for these people. We assume that the numbers of returns of Afghans will increase. It is claimed that many return voluntarily, but there is no one who could verify this. UNHCR might collaborate with IOM on this in the future.

As for Turkey, there is no reference in the decisions to the term ‘safe third country’. Sometimes there are questions to persons who lived in another country for a longer time, why they could not go on staying there (this happens e.g. for Turkey or Syria). The Greek authorities do not have an official position on this, but act as if it is a safe country. According to the reservation included in the text of the readmission agreement, an asylum seeker should not fall under a readmission agreement. UNHCR has received a lot of testimonies and reports that people have been arrested at the borders and were sent back to Turkey without any opportunity to apply for

asylum. UNHCR says that no one should be sent back under the readmission agreement without receiving appropriate information about their legal status and their right to apply for asylum.

An appeal against decisions of the Appeals Board to the Council of State (CoS) is lodged only in very few cases. They are either supported by GCR, or by private lawyers who are mostly trying to prolong the legal stay of their clients in Greece. There is no legal aid, no information on this right and the person needs a lawyer. There are also judicial fees and the fees for the lawyers which make this remedy very hard to afford for any asylum seeker.

So far most of these appeals to the CoS were successful. Now there is a problem at the CoS with a large number of unsubstantiated applications for annulment, which concern manifestly unfounded cases and the applicants are just trying to gain more time in Greece. They are an easy target for exploitation by the lawyers.

The CoS can only annul decisions, not decide on the merits.

The new binding decisions of the Appeals Board have not yet reached the CoS as the procedure before the CoS normally takes several years. It is still annulling the decisions of the Minister of Interior which were given with a recommendation of the Appeals Board (old system). Mostly the decisions are annulled for poor reasoning by the Minister – especially when the deciding authority did not follow the recommendation of the Appeals Board; in that case a specific and more developed reasoning is required.

The main reasons for the low recognition rate are that the first instance has a standardized rejection mentality without even considering the individual case and the second instance is at the moment processing primarily manifestly unfounded cases at the request of the police.

Ms Stefanaki's last visit early on Saturday morning (6.00am) at the Aliens Police Division at Petrou Rali street was in December 2008. At that time about 2.500

persons gathered there every Friday night and Saturday morning. 1.000 of them were usually put into a queue against the wall by the police. This was of course not always done in peace and in a very good mood. The asylum seekers' card ("pink card") is very attractive for the migrants, therefore this process can result in a very heated situation. During those nights there already were three deaths. The conditions under which this registration takes place are not very good. Violent behaviour could easily occur under these circumstances and there is a high risk for the asylum seekers to become victims of exploitation; some of them even have to buy the asylum application form.

In the mornings from 6.30 to 7.00, the police then select the minors first. Then they select Africans and Iraqis as the most vulnerable. Therefore it depends to a large degree on luck to get access to the asylum procedure. The Iraqis are selected by an interpreter who speaks a few sentences with them and checks the language. 350 persons are registered every Saturday to be interviewed every week. There are 75 – 80 interviews every day, appointments are given for a weekday of the following week. The rest have to come again next week, queue up and try again. Some never manage to get access and lodge their claims, as they do never manage to get into Petrou Ralli street. There are many people who never get access, since 1.500 people are queuing every Saturday and only 350 are accepted inside. After the selection of the special vulnerable groups, they fill the rest up to 350 persons from the queue.

Sometimes people are referred to the police at Petrou Ralli by an NGO. It is within the discretion of the police if they will prioritize the treatment of those cases.

Sometimes they do, sometimes they don't.

UNHCR is criticizing this and still advises EU countries against returning people to Greece. It is illegal to deny the access to the asylum system. The authorities should take all necessary measures to ensure the effective access to the asylum system of all those who wish to apply for asylum. The position of UNHCR is to make an emergency plan, register all asylum seekers in Greece and set up a very speedy procedure at the same time. This will discourage more economic migrants than the current practice.

Currently there is a deterioration of the situation with migrants in the wake of a policeman allegedly tearing some pages from the Koran. Muslim asylum seekers are demanding a public excuse of the police and are already attacking priests' houses, harassing churchgoers, etc. The situation could become explosive.

The Minister of Interior is very concerned about Petrou Ralli and the asylum system. There is a lot of EU criticism and the government does not like this. Changes are being discussed around topics like access, quality of the procedure, incompatible roles within the police and taking the asylum procedure away from the police. There was a consultation going on between the authorities and UNHCR. Suddenly now there is a totally different draft, which goes in a totally different direction than the discussions and agreements. The Greek administration is extremely disorganized and uncoordinated, so changes can happen unexpectedly on any level at any time without discussion, involvement or strategy. This often results in very superficial measures to solve some problems, such as the abolition of the second instance Appeals Boards. UNHCR is fighting to have this idea taken back, the CoS will hopefully not give the necessary endorsement. The decision should be taken within a few weeks.

Meanwhile⁸⁰ this measure has indeed been endorsed by the CoS, now it is due to be published in the Official Journal. This means that it will enter into force in a few days. The legal opinion of the CoS is that the possibility of a direct appeal from the first instance to the CoS is an effective remedy pursuant to Art. 39 of the EU Asylum Procedures Directive. The main problem with this in the view of UNHCR is that the CoS does not decide on the substance of the asylum cases, that it does not examine the merits, but just performs a formal review on the legality of the administrative first instance procedure. So in the future there will be just the administrative first instance (police directors in Greece) and then there will only be the CoS where asylum seekers can file an application for the annulment of the decision of the first instance. The CoS procedure is normally a procedure that cannot be undertaken by the asylum

⁸⁰ The first interview with Ms. Stefanaki took place in Athens on May 28th and could not be finished due to time constraints. Therefore it was continued on July 1st via telephone. During this phone conversation she told us that the decision had been taken meanwhile to approve the proposed new presidential decree abolishing the Appeals Board.

seekers themselves. They need a lawyer. UNHCR is afraid that many asylum seekers who are rejected in the regions by the police will not have any chance for access to this review. In practice this means an abolition of an effective appeal. UNHCR was against this whole measure from the beginning and has criticized it. There is no way to take legal action against this presidential decree right now. The question is if the EU Commission will accept this change and will believe that it conforms with EU law. They could play a role in this. The asylum cases which are pending before the existing Appeals Board will still be examined by the Appeals Board, but only in a consultative role – just like before summer 2008. The decision will be taken by the Deputy Ministry of Public Order (within the Ministry of Interior) – after this decision there is always the CoS. The new rules will apply only for new appeals which are lodged after the entry into force of the new presidential decree.

The Greek state has tried to fill gaps in the asylum system with very insufficient and partial measures in the recent years. E.g. Dublin returnees get a referral to Petrou Ralli police station to get fast access, but it does not seem to be working.

The Greek asylum procedure is not fair at the moment. The real problem is to find out how the procedure could be made fairer and more efficient. Greece has about 20.000 new asylum applications each year, a considerable number among them turns out to be manifestly unfounded claims lodged by economic migrants. This doesn't mean that Greece has no population in need of international protection as it has been shown that, due to

(a) the lack of fundamental procedural guarantees (interpreters, information, legal aid), mostly at the entry points, and

(b) the lack of perspectives for a recognition of status or for a decent standard of living,

the “real” refugees have not applied or do not wish to apply for asylum in Greece. This is making it difficult to find good solutions. The main reason for the successful appeals against first instance decisions is that the first instance very often misjudges

the legal justification of asylum claims due to its standardised rejection attitude without any consideration for individual cases. So the Appeals Board often finds that someone is a refugee contrary to the opinion of the first instance. These were also the findings of the research on the implementation of the Qualification Directive in Greece that was conducted by UNHCR in 2007.

At the end of 2007 the EU Reception Directive was transposed into Greek law with a presidential decree. The decree says that the Greek state is obliged to accommodate all asylum seekers who cannot afford it and to cover their basic needs.

In practice this is not observed in most cases. There is no financial allowance if there is no accommodation available. In total there are about 800 accommodation places available in all of Greece. At the same time there are about 30.000 pending appeals and 20.000 new applications each year. You can easily see that these numbers do not match. Not all of those who are not accommodated are homeless, but many are. Some are living in the parks. Last year there was a demonstration of about 250 Afghan asylum seekers in front of UNHCR premises, demanding accommodation. UNHCR can testify that there are many homeless asylum seekers.

At the Ministry of Health there is an official waiting list for government accommodation (around 600 pending requests at the beginning of 2009). The Ministry is cooperating with NGOs to find places for at least the most vulnerable cases. Given the small number of places available and the numbers of asylum seekers, UNHCR estimates that there are asylum seekers who are never accommodated. Families, small children, sick persons, women, vulnerable cases are prioritized and have at least some chances of being accommodated. Healthy single young men (Afghanis, Iraqis etc.) will have a big problem being accommodated.

As for UMR there are three new centres now. The old ones are not adequate. Many minors leave Greece at some point. Some of them go to other countries as they will not be returned back under the Dublin regulation. There are also trafficking networks to which UMR are especially vulnerable. Of course their perspectives in Greece are

not very promising, so some of them try to go somewhere else where they have a better life perspective.

It is not true that Dublin returnees do not face accommodation problems. They do have serious accommodation problems, just like all the other asylum seekers in Greece. There is no prioritization of Dublin cases with regard to accommodation or anything else. If they have small children or are very vulnerable, they might have a better chance. But this is just talking about possibilities.

Dublin returnees are facing exactly the same difficult accommodation situation. For them it is really a shock to be left without any perspective of accommodation, without anywhere to go or to turn to. It is very disappointing for them as they have seen the better situation and far higher standards in other EU countries.

As for information of asylum seekers about the procedure and their rights there is a leaflet which was written by the Ministry of Public Order in collaboration with UNHCR two years ago. It is about the asylum procedure and was translated into five languages (English, French, Turkish, Persian and Arabic). It was a big step, before it there was nothing. Now it needs updating with the new legislation. And it does not help illiterate persons, oral information is indispensable. Additionally, it should also be possible for asylum seekers and migrants to ask questions and receive answers in their language. The leaflet is supposed to be distributed to all aliens. Of course the distribution of a leaflet is not enough to fulfil Greece's obligations and there are other languages not covered by this leaflet. UNHCR is asking for more at the information level.

It is true that Dublin returnees normally do not face serious problems with having their asylum claims registered. The problem in these cases is not so much the access, but being "kicked out" of the procedure again (e.g. due to lack of information or interpretation), the bad quality of the procedure which they can access (no interpretation, no basic procedural guarantees, etc.); access is not effective without a proper procedure.

Even if the Greek asylum system eventually might produce a legally correct decision – which is becoming much more doubtful after the abolition of the Appeals Board – it is not ok to have a legally correct decision after six or seven years of waiting. The requirement of EU law in UNHCR's view is to have a fair and efficient procedure. In Greece it just takes far too long and is not effective. How important is a legally correct decision if it takes forever to get it?

The asylum seekers are in legal limbo for a long time without rights and perspectives. What good is that? The appeal to the CoS is very expensive and you need a lawyer – access is therefore very limited and hardly possible.

Considering the bad situation of asylum seekers in Greece and all these negative developments UNHCR has not changed its position of April 2008 and still recommends all countries to refrain from returning asylum seekers and migrants to Greece under the Dublin Regulation. Other EU countries should use their discretionary power, according to the Dublin Regulation, and process asylum claims without returning asylum seekers to Greece.

6. Interview with Mr. A., Asylum Seeker from Nigeria

(did not want his name to be published in the report; this interview was conducted at the premises of the GCR)

I was born in Nigeria in 1985. I came to Greece in April 2008. I did not take any family members with me.

The situation in Greece upon my first arrival was damn bad. There was no house – no place to stay.

I also talked with some asylum seekers who had come to Greece. They told me that their situation was very bad, that they had no accommodation and nowhere to stay and nobody cared for them. That is why I did not even try to apply for asylum the first time. I just wanted to travel on to another country. I did travel on to Austria in May 2008.

I stayed in Austria for two months and two weeks. Then I was returned to Greece under the Dublin regulation. I think that Diakonie wrote an appeal for me against the first negative decision of the Austrian ‘Bundesasylamt’ which I received about one month after my arrival in Austria. Within two to three weeks after the first negative decision I received the second negative decision from the ‘Asylgerichtshof’.

In the beginning of August 2008 I was deported back to Greece. The police came to my room at Traiskirchen at 5 am, gave me the second decision and told me to sign a receipt for the decision. Then they took me to a detention centre where I stayed for about two days. Then I was taken directly to the plane back to Athens.

At Athens airport the police took me into detention immediately after arrival. I was fingerprinted again and was interviewed. There was no interpreter present during the interview. The officer in charge was able to speak English a little bit; she asked me a few questions about why I fled from Nigeria; she wrote down what she could understand. I was not able to tell my whole story; can’t tell how long the interview was, but the time was too short.

After two days in detention I received the pink card and they told me to leave the airport; they gave me a paper with information on organizations where I can go to (e.g. GCR and Hellenic Red Cross) and ask for help and for accommodation. They told me that these organizations could maybe help me with housing if they had a place. I was not offered any accommodation by the police or other government agencies.

I did not have any money for the train into town. A Somali asylum seeker who was sent back from Sweden helped me and gave me the money for the train ticket to Athens.

When I arrived in town together with the Somali, he took me to his people; I asked them where I could find other Nigerians; they told me to go to Omonia Square; there I met some Nigerians who advised me to go to the church (of the NGO Praksis); I could stay there for three months (we were about nine people in the room; they only had that one room available); after three months they told me that I have to leave.

Now I am living with five other Nigerian asylum seekers in a flat (one room and one kitchen). We have to pay EUR 300 per month, this covers only the rent, without water, electricity, etc. None of us has an official job.

I have a Greek work permit, I can show it to you (shows it), but I cannot find an official job. Three to four times a week I sell goods in the street, but that is illegal. All of the guys in the flat sell goods; we all put the money together for the rent.

I do not receive any support from the Greek state. If I need health care I go to the NGO Praksis. I even had to pay for some drugs I needed, I did not get them for free.

Monday last week (18.08.2009), while I was waiting for the bus in order to go to church, policemen asked for my papers. I showed them the pink card and they wrote down my name. When I asked them why they wrote down my name when I was only waiting for the bus, they immediately took me to the police station and locked me up for one hour; I do not understand why they have to lock me up for one hour only to

check my papers. In Austria the police have a laptop with them when they check the people and don't take you with them.

I do not have legal representation in my asylum procedure in Greece. Apart from the information I received at the airport after my return I did not receive any information on my procedure so far. I just got the pink card, that was all. So far I have not received any decisions. I do not know what the current state of my procedure is.

Main reasoning in the decision of the Austrian 'Asylgerichtshof' (Asylum Court):

1. Dublin returnees actually do have access to the Greek asylum procedure.
2. Since Mr. A did not lodge an asylum application in Greece before he went to Austria, any speculations about his chances for recognition or subsidiary protection seem inappropriate.
3. He did not explicitly ask the Greek authorities for support.
4. Based on the available reports about the Greek asylum system it is not evident that Mr. A (who is not specifically vulnerable) would be confronted with a hopeless situation due to denial of accommodation after his return to Greece – even if there is criticism of singular cases in this respect.

7. Interview with Family B., Asylum Seekers from Afghanistan

(did not want their names to be published in the report; this interview was conducted at the premises of Caritas Athens)

I am 31 years old. I came to Greece together with my wife (28) and my daughter (three). We arrived in Greece for the first time in July 2007.

When we arrived in Greece we were very happy to be in Europe. Then the police put us into detention for three days at Lesbos/Mytilini. After some days my wife had to go to the hospital. I wanted to join her, but was beaten by the police. The police also called me very bad names. We did not get any accommodation from the government. We went to Athens and shared a room at an 'Afghani Hotel' with 20 others. We had to pay EUR 200 for one month for three persons, only for the nights. During the days we had to go and live outside.

We did apply for asylum the first time. At first the police did not want to give us the pink cards. They just refused. At one point there was a foreign journalist taking pictures of the applicants and the police destroyed his film and told me with a very bad word to go away.

I could not find regular work and the police did not believe me that I am a refugee, sometimes I went to a square (Attiki square) to get some illegal work. Sometimes the police arrested me and locked me up for two or three days. Sometimes I got work for one day and was never paid. This is why we left Greece and went to Austria.

We went to Austria in October 2008. We arrived at Traiskirchen. We stayed in Austria until March 2009. Austria was much better than Greece. There is work and I was treated kindly by the police.

During our procedure in Austria we were represented by Volkshilfe Linz. We did lodge an appeal against the negative decision of the 'Bundesasylamt'.

In mid-March 2009 we were deported back to Greece. At 4 am we were taken from our beds at Bad Kreuzen by the police. We were first taken to a doctor and then on

the plane. A kind policeman told me that he did not like to send us back, but it was the European Law. At 6 pm we were back in Greece.

After our arrival the Greek police kept us in a kind of prison at the airport for five days. When we arrived, the policemen told me 'Welcome back', and called me a very bad name ('Malaka'⁸¹). We needed pampers for our daughter and the policeman told us that he would sell them to us for EUR 20 per pack. We could not afford that.

At the airport I was told by the police to write "The Taliban came into Afghanistan and I went to Greece" on a piece of paper. This is not the real reason why I fled Afghanistan. There was no translator and I did not get any explanations. After five days we were released and went to Athens. It took me six hours to find my bag at the airport. After these five days we received our pink cards at the airport.

We were not allocated to any accommodation facilities. We are still living at the Afghani hotel. We went to the GCR and received a recommendation paper, but there are no free places at the centers right now. GCR is representing us.

We get nothing from the Greek government. Since we came back I had work for only seven days in total. It was just enough to pay for the hotel. We go to a church (Oasis, Protestant Church) to get food for ourselves. We went to the NGO Praksis for support. We went to a hospital for some tests, but there is no translation. We know many other asylum seekers and Dublin returnees who are in exactly the same situation as we are. None of them is receiving any government accommodation or support.

We are not receiving any information or documents on our asylum procedures and so far we have no decisions. The only 'interview' we had was the one at the airport.

⁸¹ According to Wikipedia, the Greek word 'Malaka' literally means 'wanker', but can also have meanings like 'arsehole', 'son of a bitch' or 'dick'. All our interview partners from Afghanistan told us that this word was used very often by the Greek police and described it as very demeaning and extremely offending for Afghans.

8. Interview with Mr. C., Asylum Seeker from Afghanistan

(did not want his name to be published in the report; this interview was conducted at the premises of Caritas Athens)

I was born in Afghanistan, I am 33 years old. I went to Greece alone. I arrived here the first time four months ago.

I came to Greece by car from Turkey, I stayed in a place (room) for one month. I do not know where that was. I did not contact the police, did not apply for asylum and I was not fingerprinted that time. After this month I went to Austria by truck. We bought a mobile phone in Greece, so the Austrians knew from the receipt that I had been in Greece before. Now my niece is living in Austria and I am here.

I spent approximately 2.5 months in Austria, two of these in detention. I did lodge an appeal against the first negative decision I got from the Austrian 'Bundesasylamt' (Federal Asylum Authority), I was represented by a lawyer.

I was deported back from Austria only 20 days ago (beginning of May 2009). At 7 am the police came to my room and said 'Sorry, but you have to leave Austria'. Then they took me into detention. The next day they took me to Vienna and then to the airport and to Athens.

After three days in the airport jail they gave me the pink card and told me to leave. I was not given any place to stay. Now for 20 days I have been living in the street and in parks. At the airport I was asked to write down why I had left Afghanistan. There was no interview, no translation, no information. I did not even have permanent access to water and they sometimes did not give me food. I went to GCR and they told me to see the police to declare my address, but the police told me to come again after a week. I do not understand why they told me to go to the police and I did not get any accommodation. I am often feeling dizzy and do not get medical treatment.

Yes, I was able to apply for asylum at the airport, but I live in the street. What should I do? I have lunch at Caritas and dinner at another church and then I sleep in the park. I know many other asylum seekers and they are all in this situation. No one I know

has received any accommodation from the government or other government support like food, clothing or health services. The only support we get is provided by some NGOs – but it is not enough.

I do not have a job and I cannot find one. The biggest problem is language. I do not speak Greek. Now because of the economic crisis it is even worse. Now you do not get a job, even if you speak Greek.

I did not experience any physical xenophobic attacks in Greece so far, but the police are often speaking very badly about asylum seekers and calling them very bad names ('Malaka'⁸²). There is generally a lot of verbal abuse by the police.

During my asylum procedure in Greece I am legally represented by the GCR. So far I did not receive any information on my procedure and I did not receive any decisions or other documents. I never had any interviews with the police or other state authorities about my asylum claim and the reasons for my flight from Afghanistan.

There is no law in Greece.

⁸² According to Wikipedia, the Greek word 'Malaka' literally means 'wanker', but can also have meanings like 'arsehole', 'son of a bitch' or 'dick'. All our interview partners from Afghanistan described it as very demeaning and extremely offending for Afghans.

9. Interview with Mr. D., Asylum Seeker from Afghanistan

(did not want his name to be published in the report; this interview was conducted at the premises of Caritas Athens)

I was born in Afghanistan, I am about 20 years old. I arrived in Greece together with Mr. E. We both came here for the first time ten months ago.

I arrived at Lesbos/Mytilini and was fingerprinted there. After 16 days in detention at Mytilini I went to Athens, saw the very bad living conditions for asylum seekers here and immediately went on to Austria by truck without even trying to apply for asylum in Greece.

I spent approximately 5.5 months in Austria, 15 days of these in detention. I was accommodated at Traiskirchen. I lodged an appeal against the first negative decision I got from the Austrian 'Bundesasylamt' (Federal Asylum Authority), I was represented by a lawyer from Diakonie.

I was deported back from Austria at the end of March 2009. Mr. E and I both left the Traiskirchen camp to leave Austria and go on to another country. At the 'Westbahnhof' railway station the police caught us and put us into jail where we stayed for 15 days. After that they took us to the airport and to Athens.

After four days in jail at Athens airport and after the fingerprinting they asked me to write down why I had left Afghanistan. Then they gave me the pink card and told me to leave. I went to Athens and to Patra to go to another country again. Then my nose was broken by a policeman at Patra and we went back to Athens again. Here I went to the hospital to get treatment for my nose. A doctor quickly manually corrected my nose without any anesthesia.

Now I am staying at an Afghani hotel for EUR 3 per night. I cannot stay there during the day. My parents send me money from Afghanistan so I can survive here. I did not receive any accommodation from the Greek government and no food, clothing or adequate health care.

All the other asylum seekers I know have the same problems. They also get nothing from the government, no accommodation, no food, no clothing, no health care.

There are not even any jobs now because of the economic crisis. I do not have a job.

I was beaten severely on my nose by a policeman at Patra. My nose was broken and had to be corrected. The police often call us very bad names and insult us.

I regularly visit the GCR, but so far they were not able to help me. At present I have no information about my asylum procedure, I did not receive any decision or documents.

I have not had a proper interview with translation.

Greek law does not protect asylum seekers.

10. Interview with Mr. E., Asylum Seeker from Afghanistan

(did not want his name to be published in the report; this interview was conducted at the premises of Caritas Athens)

I was born in Afghanistan, I am 21 years old. I came to Greece alone, I do not have family members in Greece or in other EU countries. My first arrival in Greece was ten months ago. I arrived together with Mr. D.

I arrived at Lesbos/Mytilini. There I was fingerprinted, kept in detention for about two weeks and then released. I went to Athens. There I sat in a church for some hours, after that some other Afghans asked me to come to Patra with them. From Patra I went to Austria on a truck after about one month without applying for asylum in Greece as the situation for asylum seekers was too bad.

Like Mr. D I stayed in Austria for about 5.5 months. I spent about two weeks in detention.

Yes, I did appeal against the negative decision of the 'Bundesasylamt' (Federal Asylum Authority) in Austria. I was legally represented by someone from Diakonie at Traiskirchen.

I was deported back to Greece at the end of March 2009. I left the Traiskirchen camp together with Mr. D to go to another country by train. We were caught by the police at the railway station (Westbahnhof) and put into prison. After about two weeks in prison we were returned to Greece.

At the Athens airport I was put in jail for four days. The police took my fingerprints and asked me to write down why I had left Afghanistan. There was no interview and no translation. I could not understand anything. Then they gave me the pink card, told me to leave and I went back to Athens.

I have not received any accommodation, food, clothing or other support from the Greek government – just like all the other asylum seekers I know. All we can get is a little support from a few NGOs now and then. Now I am staying at an Afghani hotel. I

have to pay EUR 3 per night. I have to spend the days outside. I pay for the hotel with the money which my parents send me, so I can survive.

No, I do not have a job. There is no work here, especially now due to the economic crisis. Apart from that I do not speak Greek and there is no interpretation anywhere. I find it very hard to understand anything.

So far I have not experienced any physical xenophobic attacks by Greeks or the Greek police. I do not fight the police. But there are a lot of bad words the police is using for asylum seekers.

I tried repeatedly to get help from GCR, but so far unsuccessfully.

I have no information on my asylum procedure, I did not receive any decision or other documents so far. I never had a real interview about my asylum claim and nobody gave me any explanations which I could understand.

The legal situation in Greece is very bad.

11. Interview with Family F., Asylum Seekers from Afghanistan

(did not want their names to be published in the report; this interview was conducted at the premises of Caritas Athens)

I was born in Afghanistan, I am 58 years old. I came to Greece for the first time about 20 months ago together with my wife and two children (17 and 20 years old). Another son (15) is still staying in Austria.

When we first came to Greece we arrived at Lesbos/Mytilini and were fingerprinted there. The Police took us into detention where we had to stay for five days. Afterwards they gave us a white paper and told us that we can stay in Greece for only one month or apply for asylum. Then we went to Athens. When we saw the very difficult situation of the people, that they receive no help, we went to Vienna via plane. We did not try to apply for asylum in Greece then as the situation of asylum seekers is so bad. We were in Greece for about eight months before we went on to Austria.

We stayed in Austria for about six months. I did receive the negative decision of the Austrian 'Bundesasylamt' (Federal Asylum Authority) and lodged an appeal. I was represented by Volkshilfe Linz. But the second decision was also negative.

I was deported back to Greece at the beginning of February 2009. Before that I was in jail in Graz. The police took me to a prison at Vienna airport. After spending one night there they took me to the plane back to Greece.

After my return to Athens airport I asked a policeman for a cigarette, but he had breakfast. Afterwards I asked him again and he lit a cigarette in front of me and smoked it himself. He called me bad words. He even threw a door into my face so that some of my teeth fell out. I went to the police after this and reported him. After spending three days in detention at the airport, I received my pink card and they told me to leave. There was no interview at all. They did not even ask me to write down why I had left Afghanistan. There was no translation either. I did not receive any information, no explanations and no support at all. I went to GCR, but they couldn't help me either. We do not receive any support from the Greek government.

I know many other asylum seekers in Athens and they also do not receive any accommodation, food, clothing or other support. So we are sleeping in some Afghani hotel. For one family it costs EUR 200 a month. My family in Afghanistan is sending money to us, so we can survive here. For food we go to some church.

No, I do not have a job.

Our children are not going to school, they have a deportation order, not a pink card. So they cannot go there.

GCR is representing me in the asylum procedure. I have no information about my asylum procedure, no decision and no other documents.

Main reasoning in the decision of the Austrian 'Asylgerichtshof' (Asylum Court):

1. Dublin returnees actually do have access to the Greek asylum procedure.
2. With regard to Mr. F's claim that in Greece there is no support for asylum seekers it has to be stated that such a situation could not be verified by the Swedish Fact-Finding Mission in April 2008; on the contrary, the reception of adults in Greece is on an acceptable level.
3. Since asylum seekers are allowed to work in Greece, Mr. F's claim that he would be facing an existential threat, homelessness or destitution is not credible. Therefore Art. 3 ECHR is not violated.
4. Mr. F was not the victim of any assaults.
5. Mr. F is not specifically vulnerable.

12. Interview with Family G., Asylum Seekers from Afghanistan

(did not want their names to be published in the report; this interview was conducted at the premises of Caritas Athens)

I was born in Afghanistan. I am 29 years old. I arrived in Greece for the first time about 20 months ago together with my husband and two children (seven and nine years old).

We arrived at Lesbos/Mytilini, were fingerprinted and kept in detention for four days. After that we received a white paper telling us either to leave Greece within 30 days or to apply for asylum. Then we went to Athens. We lived there for four months. We stayed in a room (4x4 m) which cost us EUR 200 per month. Our daughter stole bananas at the market since we didn't have anything to eat. Afterwards we went by ship to Italy and then to Austria. We did not try to apply for asylum in Greece at first because we saw that the situation was so bad for asylum seekers: no jobs, no government support at all.

We lived in Austria for six months. The children and I were staying at Timmelkamm, my husband at Thalham.

We appealed against the first negative decision. We were represented by Caritas St. Georgen.

We were deported from Austria in July 2008. At 2 or 3 pm six policemen came to our room. My two children and I were brought to the plane.

After our return we had to stay in detention at the airport for two days. Afterwards the police gave us the pink cards and we went to look for our bags. Police asked us without a translator why we had gone to Austria. We had to sign a paper in order that we were allowed to leave. The whole family was together again at the airport in Athens. We went to Petrou Ralli police division for the extension of the pink cards. There the police asked us who had issued our pink cards. In the end they extended the cards. We went to GCR and talked to the social worker. He said that we can try at the church, that they don't have food either and cannot help.

It is the same for all other asylum seekers we know. Just like us they do not receive any support from the Greek government. Like many of them we also live in a kind of Afghani hotel. We have to pay EUR 200 per month for sleeping there.

I have no job. My husband regularly goes to a square near Omonia square to look for work. Maybe twice a month he manages to get a small job. For one day of work you receive about EUR 20 to 25. That is not enough. I have to borrow money from other people to survive. My husband is often ill.

I went to GCR four times so far to ask for support. They told me that they are not going to represent us since our pink cards are not valid any more – we do not have a valid address. I never received any information on my asylum procedure. And we never had an interview with the authorities to find out why we had fled Afghanistan.

The school told me that my younger daughter does not understand Greek, so she should not come to school any more. She needs a language course.

Main reasoning in the decision of the Austrian ‘Asylgerichtshof’ (Asylum Court):

1. Dublin returnees actually do have access to the Greek asylum procedure.
2. Ms. G did not intend to lodge an asylum application in Greece before she went to Austria and did not explicitly ask the Greek authorities for support as an asylum seeker. Any speculations about her chances to be recognised as a refugee are inappropriate under these circumstances.
3. Based on the available reports about the Greek asylum system it is not evident that Ms. G (who is not specifically vulnerable) would be confronted with a hopeless situation due to denial of accommodation after her return to Greece – even if there is criticism of singular cases in this respect.
4. It has to be mentioned that all EU member states are obliged to transpose the EU reception directive and therefore there is reason to assume that there is medical support available for asylum seekers in Greece.

13. Interview with Family H., Asylum Seekers from Afghanistan

(did not want their names to be published in the report; this interview was conducted at the premises of Caritas Athens)

We are from Afghanistan. I am 30 years old. I came to Greece about six months ago together with my wife (25), my son (three) and my daughter (school age, was not present during the interview because of an illness).

We first came to the Lesbos/Mytilini detention centre. We stayed there for about one month and were fingerprinted. At Mytilini during the food distribution – sometimes I was a few minutes late and the policeman threw our food on the floor. We felt treated like animals, not humans.

Then we went on to Athens. I tried two or three times to apply for asylum at the Petrou Ralli police division. The police there was beating the migrants. I was not able to lodge an asylum application.

Other people from Afghanistan who had already been staying here for two years told us how bad the situation is. A policeman who was born in an Arabic country told us that not even he gets paid for months sometimes. So because of this very bad situation here we went to Austria. We did not apply for asylum, went to the airport and flew to Vienna in January 2009.

We stayed in Austria for about 3.5 months. We were accommodated at the Thalham centre. When we received the first negative decision we lodged an appeal. Caritas Thalham helped us to write the appeal. There was no translator for our language there. The decision of the Asylum Court was also negative.

We were deported back to Greece at the end of April 2009. We were living in a pension at Bad Vöslau. On Sunday at 7 pm the police came and took me to a prison in Vienna. On Monday 10 am we were taken to the airport. At the airport there are separate jails for the women and the men. We went onto the plane via a separate entrance.

After our return to Athens airport we had to stay in prison for five days. We were together. Then the police welcomed us with a bad name ('Welcome back, Malaka'⁸³). Then they gave us the pink card and told us to go away. When we asked them what we should do and where we should go they said they don't know. They asked us why we had returned to Greece and not stayed in Austria. We asked for a place to stay and for some money for living, but they just asked: 'Who are you and why have you come back to Greece?'. There was no translator at the airport. We were just given a piece of paper and asked to write down why we had left Afghanistan. They gave us no information, only told us: 'Just take the pink card and leave!' They gave us no food and no money for the bus/taxi. We received no information about NGOs or other possible sources of support. There was an asylum seeker who had been returned from Britain and he asked to be accommodated. The policeman at the airport only told him that if he wanted he could remain in the airport jail for two to three years and then he could leave the country.

We were not given any government accommodation or support. The first two or three days in Athens the whole family was sleeping in a park. Then I met another person from Afghanistan who had been living in Greece for a long time. After six to seven years he is still an asylum seeker and he offered me to stay at his home. Now we are living with this person and will pay for the accommodation when I will have found some work to earn some money. Usually I go to Attiki square in the mornings (5 am – 11 am) to wait for work, but so far I only managed to get work two to three times a month. So we don't have work, money, nothing. Every day we come here to Caritas to get something to eat as we cannot buy anything. We went to GCR to ask for accommodation and more help. Sometimes there is no translator, sometimes there is no social worker present. I heard from other asylum seekers that they have been on the GCR accommodation list for more than a year and are still waiting. We have another appointment with the GCR social worker tomorrow to ask for accommodation.

⁸³ According to Wikipedia, the Greek word 'Malaka' literally means 'wanker', but can also have meanings like 'arsehole', 'son of a bitch' or 'dick'. All our interview partners from Afghanistan described it as very demeaning and extremely offending for Afghans.

We only know about one asylum seeker family who received accommodation in an NGO camp far away from Athens. This camp is in a bad condition. All the other asylum seekers we know are in the same situation that we are in. We don't receive anything from the Greek state.

Our daughter is ill right now. We went to the 'Doctors of the World' for some treatment, but they told us to come again in two days. We do not know where the hospital for children is, we do not know our way around. In Austria asylum seekers are taken care of – here we get nothing. Not even the money for the bus.

No, our daughter is not going to school. We do not have an official address, cannot afford it. Someone offered to sell us such an address for EUR 100.

As for legal representation for our asylum procedure I asked GCR, but have no answer so far. We have no information about our asylum procedure, no decisions, no other documents. There was no interview so far, apart from the one at the airport. And there we did not understand anything as there was no translation. Only a policeman and a lawyer.

Main reasoning in the decision of the Austrian 'Asylgerichtshof' (Asylum Court):

1. Mr. H's claim that he was unable to lodge an asylum application in Greece and was sent away by the police is not credible because he did not mention this during his first interview with the Austrian police.
2. Dublin returnees actually do have access to the Greek asylum procedure.
3. With regard to Mr. H's claim that in Greece there is no support for asylum seekers it has to be stated that such a situation could not be verified by the Swedish Fact-Finding Mission in April 2008; on the contrary, the reception of adults in Greece is on an acceptable level. Every asylum seekers has access to public medical and health support.

4. Asylum seekers in Greece are allowed to work, therefore there is no danger of a violation of Art. 3 ECHR with regard to subsistence and accommodation possibilities.
5. Mr. H did not lodge an asylum application in Greece before he went to Austria, therefore he denied himself any possibilities of Greek state support as an asylum seeker. Any speculations about his chances to be recognised as a refugee are inappropriate under these circumstances.
6. From the available country reports it is not evident that there is an existential threat due to lack of food and accommodation.
7. Based on the available reports about the Greek asylum system it is not evident that Mr. H would be confronted with a hopeless situation due to denial of accommodation after his return to Greece – even if there is criticism of singular cases in this respect.

14. Interview with Mr. I., Asylum Seeker from Afghanistan

(did not want his name to be published in the report; this interview was conducted at the Lavrio Asylum Seeker Accommodation Centre of HRC where Mr. I. was accommodated at the time of the interview)

I was born in Afghanistan. I am 25 years old. I came to Greece alone, the first time in July 2008.

I travelled via Turkey to the island of Lesbos/Mytilini. There I was fingerprinted, received a paper according to which I should leave the country or lodge an asylum claim. I went to Patra and stayed there for 4.5 months, then went to Italy, then on to Austria.

No, I did not lodge an asylum claim in Greece at that time. I did not want to stay in Greece because the conditions here for asylum seekers are not good. Asylum seekers are in a very bad situation in this country. There is no work and no asylum. Just the pink card which only lasts for six months at a time, then you need another stamp to extend it for another six months.

Even after eight years you only get the temporary pink card. You try to tell them your story and they do not listen, just give you the pink card. You do not get a permanent status and no asylum. Just take a look at the Omonia area and the very bad situation of asylum seekers and migrants there. I saw the situation after my arrival and wanted to leave Greece.

I left Greece in October 2008. I stayed in Austria 4.5 months like a prisoner. When they realized that I had been fingerprinted in Greece they immediately put me into detention where I stayed for 4.5 months. I appealed twice against the decisions of the Austrian asylum authorities. I was represented by Diakonie. But the final decision was negative and so I was deported back to Greece in mid-February 2009.

At Athens airport I was taken off the plane into jail by the police. I was slapped in the face by the police when I wanted to collect my luggage. After four days in jail I received my luggage back, they set me free, gave me the pink card and told me to

leave. There was no interview, just four days in jail. I was asked to write down why I had left Afghanistan. Apart from that they did not ask me any questions. I did not get any information about organizations which might help me find accommodation, a job, etc. After that I went to GCR and asked for a place to stay. They sent me to Lavrio. I went there by bus. After a week of sleeping on the floor I got a bed here.

At the moment Ms. Nadia Zioga from GCR is taking care of my asylum claim. She is representing me. I receive information about my case from GCR. So far I did not receive any decisions. Many asylum seekers spend many years in Greece without any decisions.

No, I do not have any work. I asked the social worker many times to help me find a job, but no chance.

15. Interview with Mr. J., Asylum Seeker from Afghanistan

(did not want his name to be published in the report; this interview was conducted at the premises of Caritas Athens)

I am 29 years old. I was born in Afghanistan. I arrived in Greece alone in October 2007.

My first arrival was very difficult. I came to Lesbos/Mytilini. There I stayed six or seven days in the detention centre and was fingerprinted. I received a paper which told me to leave Greece within 30 days or apply for asylum. Then I went to Athens and tried to apply for asylum at Petrou Ralli street. There was an interpreter from Iran, but the police did not take note of my story. They told me to come back another day. I tried for one month, ran out of money, went to Patra and tried to leave Greece. At Petrou Ralli street about 250 persons were waiting every day, I don't know how many managed to get inside.

I left Greece because there is no accommodation here, no job, nothing, no money, no chance to apply for asylum. At the Patra police station I was beaten and lost one tooth (shows us the missing tooth).

I arrived in Austria at the end of April 2008 and stayed at Traiskirchen for 5.5 months. I was represented by a lawyer.

I was deported from Austria to Greece in October 2008. The police came at four or five in the morning, took me to a prison where I stayed for one night; the next day I was sent back to Athens. At the airport in Austria I was told that I have to go back to Greece; there I would be accommodated, learn the language, etc.

The Greek police welcomed me with a very bad word ('Welcome Malaka!' ⁸⁴). I stayed at the airport in detention for three days. There was no translation, the policeman only spoke English, I did not understand him. The interview only contained

⁸⁴ According to Wikipedia, the Greek word 'Malaka' literally means 'wanker', but can also have meanings like 'arsehole', 'son of a bitch' or 'dick'. All our interview partners from Afghanistan described it as very demeaning and extremely offending for Afghans.

the words 'Taliban' and 'Afghanistan'. They took my fingerprints and I had to sign a paper I did not understand. Then they gave me the pink card, told me to leave and called me some other bad names. Then I went to the bus, went to Syntagma station, stayed there in a park for one night. After that I went to Omonia, met another Afghan man, asked for the Attiki station. I live near a church in Patra now, I have a sleeping bag and sleep outside. I do not get any accommodation from the Greek government, no food, clothing, nothing at all. I did not need medical services so far. The church supports me. The Greek communist party sends relief goods to asylum seekers at Patra.

I know quite many other asylum seekers, none of them did get accommodation or anything else from the government. I went to GCR and the social worker told me that they could not do anything for me. They could not tell me why this is so much different from Austria.

Greek persons are beating me sometimes. Most asylum seekers have experienced some kind of verbal and physical violence by the police or the secret police at Patra; A friend of mine was deported to Turkey although he had a pink card.

No, I do not have a job. I do not speak Greek. I do not have a work permit.

I am not represented in my asylum procedure and I do not know the status of my claim. I have not received any information or documents about it.

16. Interview with Mr. K., Asylum Seeker from Afghanistan

(did not want his name to be published in the report; this interview was conducted at the premises of Caritas Athens)

I am 22 years old and I come from Afghanistan. I travelled to Greece alone about 20 months ago.

I arrived in Greece on a life boat from Turkey and reached an island. At the Lesbos/Mytilini camp I was fingerprinted and told that there was no asylum for me here and that I had to leave. I stayed in detention for two to three days there; then I went to Athens, to Patra and then to Austria. I did not apply for asylum.

I was arrested by the police on the way to Patra and held for 3.5 months in prison. Then I was arrested for another two to three months. They told me that I would go to prison again if they caught me again. In prison we were beaten and given electric shocks when we started to shout. We have no home, no support, no food, no money, no asylum. This is why I left Greece and went to Austria.

I stayed in Austria for about five months. First at a prison at Linz, then two days at Thalham and then near Freistadt.

I lodged appeals against the negative decisions of the Austrian asylum authorities. Caritas Linz represented me. I do not have the decision of Austrian the Asylum Court, but it was negative. So I was deported to Greece in September 2008. The police came to my room at 2 am, took me to the police station of Windhag, then to Freistadt. There was an interpreter who told me that I had to return to Greece as I had been fingerprinted there. Then I went to Linz, Vienna and onto the plane to Athens.

At Athens airport the police took my fingerprints. When my hand moved slightly during the procedure they beat me. I was held in detention for three days. Then I received the pink card. There was no interview at all, they just told me to leave. I went straight to Patra. Now I live in Patra. I live in damaged apartments during winter and now in a makeshift camp. Till now I have nothing. So far I was not detained.

When I tried to extend my pink card when it expired after six months, the police just sent me away.

I did not receive any accommodation from the government. I did not get any other support either. I just get nothing from the Greek state. All other asylum seekers I know have the same problem. They get nothing either.

No, I do not have a job. My pink card is expired and I cannot extend it as I do not have an official address.

I receive some help from the church and I also got some relief goods from the Greek communist party at Patra.

As for medical services I would need some, but I do not dare to visit the hospital as my pink card is expired.

Sometimes there is violence against asylum seekers which is caused by Greek nationalists who want to keep Greece for the Greeks.

No, I do not have a legal representative for my asylum procedure. I do not have any information about it, no decision, no documents, nothing.

Main reasoning in the decision of the Austrian 'Asylgerichtshof' (Asylum Court):

1. Mr. K's claim that he was denied the right to lodge an asylum claim in Greece is not understandable – especially since this claim was only made in very general and unsubstantiated terms.
2. Dublin returnees actually do have access to the Greek asylum procedure.
3. Since Mr. K did not lodge an asylum application in Greece before he went to Austria, the Greek state was not obliged to support him as an asylum seeker. Any speculations about his chances for recognition or subsidiary protection seem inappropriate under these circumstances.

4. Mr. K did not explicitly ask the Greek authorities for support.
5. According to the jurisprudence of the European Court for Human Rights there is no systematic and notorious violation of fundamental Human Rights in Greece. All EU countries are regarded as safe countries for third country nationals.
6. Based on the available reports about the Greek asylum system it is not evident that Mr. K (who is not specifically vulnerable) would be confronted with a hopeless situation due to denial of accommodation after his return to Greece – even if there is criticism of singular cases in this respect.

17. Interview with Mr. L., Asylum Seeker from Afghanistan

(did not want his name to be published in the report; this interview was conducted at the premises of Caritas Athens)

I am 24 years old. I was born in Afghanistan and travelled to Greece alone. I arrived here for the first time about 1.5 years ago.

I arrived at the centre in Lesbos/Mytilini. There I was detained for some days, fingerprinted and released with a paper saying that I should leave Greece within 30 days or apply for asylum. I went on to Athens, then to Patra and on to Austria. I did not apply for asylum as there are no facilities here, no jobs, no food, no shelter. And they told me that there would be no asylum for me.

I stayed in Austria for about three months. First at Villach police station, then at Thalham. I was legally represented by Diakonie. They also wrote my appeal. The final decision was negative. I do not have it.

I was deported from Austria back to Greece at the end of September 2008. The police came to my room at 4 am and arrested me. I spent one night at Vöcklabruck police station, then they took me to Vienna and the plane.

At Athens airport I showed my papers (Laissez-Passer) to the police, but they told me that they cannot accept me. There was no interview, nothing. I was just sent away. They did not give me a pink card. I still have no pink card and no asylum procedure either. I am an illegal person. I have not tried to approach GCR so far. I live at Corinthos with my friends. I did not get anything from the government. No, I do not know any asylum seekers who did receive accommodation or other support from the Greek government.

I do not have a job. I do not speak Greek and I have no pink card or work permit. My friend helps me so I can survive.

I tried to get medical help at a hospital, but they refused to treat me.

I do not have an asylum procedure in Greece as they did not give me a pink card at the airport.

Main reasoning in the decision of the Austrian 'Asylgerichtshof' (Asylum Court):

1. Dublin returnees actually do have access to the Greek asylum procedure.
2. Since Mr. L did not lodge an asylum application in Greece before he went to Austria, any speculations about his chances for recognition or subsidiary protection seem inappropriate under these circumstances.
3. Based on the available reports about the Greek asylum system it is not evident that Mr. L (who is not specifically vulnerable) would be confronted with a hopeless situation due to denial of accommodation after his return to Greece – even if there is criticism of singular cases in this respect.
4. Greece is a member of the EU and a constitutional state which obeys the rule of law. Therefore there is no compelling reason to apply Art. 3 (2) of the Dublin Regulation and open an asylum procedure in Austria.

18. Interview with Mr. M., Asylum Seeker from Afghanistan

(did not want his name to be published in the report; this interview was conducted at the premises of Caritas Athens)

I am about 22 years old. I am from Afghanistan. I arrived in Greece nine months ago.

When I came to Greece I was very confused because I was expecting much better treatment in a European country. But life in other European countries is far better than here. I arrived at Lesbos/Mytilini, the police took my fingerprints and put me into detention for twelve days. I got a paper there from the police, but lost it. Then I went to Athens and further to Patra. I did not go to Petrou Ralli street and did not apply for asylum. There is no housing here, no social services, nothing. Therefore I did not want to stay here, but go to another country.

I arrived in Austria in November 2008. I stayed at Traiskirchen for about 3.5 months. I was legally represented by Diakonie. They wrote my appeal against the negative decision of the 'Bundesasylamt' (Federal Asylum Authority). I was deported back to Greece at the end of February 2009. The police came at about four to five a.m. to my room and took me away. I stayed in a jail for 24 hours, then I was taken to the airport. There I stayed for two hours, then I was taken on a plane to Athens.

When I arrived at Athens airport there were two non-uniformed policemen. They took me to a prison at the airport where I stayed for four days. I was fingerprinted, got my pink card and was released. There was no interview as there was no translator, I did not receive any further papers. I got my luggage back only one month later at the airport.

I do not know anything about my asylum procedure here in Greece. I have an appointment at the GCR for an interview on October 12th 2009. I think I have to go back to Afghanistan, there is nothing here for me. My wife and my child are still there, I want to see them again.

No, I have not been given any government accommodation. The GCR social worker told me that there is no place to stay for me. I am living in the Attiki area, in a room

together with eight persons. There is another room in that house with seven persons. All 15 are migrants and do not have work. I have to pay EUR 150 for one month. My family sends me some money so I can survive. I do not even have illegal work. Once I got hired by someone in a square in Athens to do some work. He promised to pay me on the second day, but then he did not pay me anything. I tried to get help from the police, they just told me: 'Go away Malaka!⁸⁵'.

I do not know any asylum seekers who are accommodated in a government centre. They all have to look after themselves.

As for health care, I am sick sometimes, but I don't go to the hospital. After some time it gets better by itself. I do not go to the hospital as I do not speak Greek, I do not have any money for the bus, I am confused and do not find my way to the hospital.

GCR is representing me in the asylum procedure. I already received the first negative decision and went to the GCR for the appeal. I received the first instance decision when I went to Petrou Ralli street to declare my address. So far I never had any interview with the police about my asylum claim.

Main reasoning in the decision of the Austrian 'Asylgerichtshof' (Asylum Court):

1. Dublin returnees actually do have access to the Greek asylum procedure.
2. Since Mr. M did not lodge an asylum application in Greece before he went to Austria, any speculations about his chances for recognition or subsidiary protection seem inappropriate under these circumstances.
3. Based on the available reports about the Greek asylum system it is not evident that Mr. M (who is not specifically vulnerable) would be confronted with a hopeless situation due to denial of accommodation after his return to Greece – even if there is criticism of singular cases in this respect.

⁸⁵ According to Wikipedia, the Greek word 'Malaka' literally means 'wanker', but can also have meanings like 'arsehole', 'son of a bitch' or 'dick'. All our interview partners from Afghanistan described it as very demeaning and extremely offending for Afghans.

4. Mr. M's claim that accommodation and support for asylum seekers in Greece are very bad is not credible since he did not lodge an asylum application in Greece and therefore cannot know about the accommodation situation of asylum seekers in Greece. His claim that he knows this because he has seen how asylum seekers are living there is insufficient.

19. Interview with Family N., Asylum Seekers from Afghanistan

(did not want their names to be published in the report; this interview was conducted at the premises of Caritas Athens)

We are from Afghanistan. I am 40 years old. I came here together with my wife (34), my daughter (15) and my son (seven). We came to Greece the first time five or six months ago.

We arrived at Lesbos/Mytilini. We stayed at a large building with 200 or 300 persons, all families. Then we were fingerprinted and went to Athens. Life is very difficult here, we are living together with some friends. For one month it costs EUR 200. There is no government accommodation. Generally, up to ten asylum seekers are living in a small room in Greece.

When we came here the first time we did not apply for asylum. Someone who we were living with the first time already had a pink card and was living under very bad conditions. So we thought that an application would be useless and not improve our situation. This was the reason to go to Austria. There were no prospects in Greece. We stayed in Greece for one month and 20 days before we travelled to Austria.

We went to Austria six months ago, stayed there for four months.

We lodged an appeal against the first negative decision in Austria. We were represented by a lawyer and had contact with Diakonie. We had very bad interpretation during our procedure. Our lawyer received the negative decision of the Asylum Court after our return to Greece.

We were deported at the end of March 2009. At 5 am the police came into our room, I tried to speak with them and tell them that we did not want to go back. The police told us that it was ok as Greece was the country of first arrival. We stayed at Traiskirchen. It was very beautiful there. The police were very kind. They took us into detention for about 24 hours, then we were taken on the plane.

After our arrival at Athens airport we were detained at the airport for four days. We did not get any food during the first day. The police treated us very badly. There was no interview at the airport. After the four days we got the pink card, nothing else. I had to search for my bag for five hours. They just told us to leave, did not offer any accommodation. Then we went to GCR and spoke to Ms. Nadia Zioga. We have no accommodation – we were told by GCR that we could wait for one month, two months – or forever.

We know many other asylum seekers. No one received accommodation or anything else. They all are in the same very bad situation. We are living under very bad circumstances here. Near zero.

I do not have any work. We have a work permit, but there is no work. Nothing. We are borrowing money, some people help me. Sometimes we go windshield cleaning in the streets, but that is not allowed.

My wife has an allergy problem, but the doctors of the NGO 'Praksis' do not understand her. There is no government health support whatsoever.

No, our children are not going to school. They do not speak Greek. Anyway, they have to wait for the next school year to start. We came here for the children, so the children have a better life.

GCR is representing us in our asylum procedure. We are not getting any information about our procedure.

The pink card is no good at all.

V. ON SITE VISITS

1. Visit at the Athens Police Aliens Division at Petrou Ralli Street, Saturday, May 23rd 2009, 8.45 am:

The Mission Team visited the Petrou Ralli Police Facility together with Mrs. Maria Begoña Castiella Kalliga (Caritas Athens) and an Afghan asylum seeker who works as a volunteer interpreter for Caritas Athens.

At the time of our visit, there were about 50 to 60 people waiting outside the premises of the police facility. Some were queuing with their asylum application forms next to the entrance, some were waiting on the other side of the street. The situation was quiet and seemed rather organised.

After about five minutes the people with the documents were allowed to enter the premises and went into the adjacent building. One of the police officers told us that these people had come to see the first instance asylum authorities after having received an appointment some time earlier.

We were further told that there regularly is a long queue at the gates of the facility Friday night to Saturday morning. At the time we arrived, this was not the case.

Every week (Friday-Saturday) about 350 persons are allowed into the premises to lodge their asylum application and receive an appointment for an interview one to two weeks later. Those who fail to receive an appointment have to queue again.⁸⁶

According to Mrs. Begoña Castiella Kalliga, when migrants lodge their asylum application, they are given a so-called 'pink card'. This card entitles them to work legally and (at least in theory) enjoy the same rights as Greek citizens. This pink card

⁸⁶ See interviews with Ms. Kalliopi Stefanaki, UNHCR Greece and Mrs. Maria Begoña Castiella Kalliga, Caritas Athens.

has to be renewed at a police aliens division every six months. If their asylum claim is approved, refugees are given a so-called 'white card'. This card is valid for five years and certifies the refugee status.

We approached Mr. O., a young man from Iraq (Baghdad) who was waiting outside the gate and asked him a few questions about his asylum procedure. He told us that he had arrived in Greece 1.5 years ago. After about five months he had managed to lodge his asylum application after queuing twice at Petrou Ralli street. Then he received his pink card which allows him to work legally.

He further told us that he had had an interview with the Greek police at the Omonia police station. The interview had lasted 20 minutes and was conducted with an interpreter. The treatment he had received from the police so far had been 'ok'.

Regarding his socio-economic situation, he told the Mission Team that he does not receive any accommodation from the state. Neither does he receive pocket money or any other material or financial support. He is allowed to work legally, but has only had a job for three months per year, on average. He is living together with two friends and contributes as much as he can to the rent.

2. Visit of the Hellenic Red Cross Lavrio Refugee Reception Centre (HRC/LRRC)

The LRRC is situated about 1.5 - 2 hours car drive to the Southeast of Athens, in a small town near the seaside. It consists of three buildings, which are inhabited by about 100 asylum seekers each. Two of these buildings are located around a central courtyard. The third building is located about 20 metres further down the street, between one of the two other buildings and the nearby police station.

In the central courtyard, next to the entrance there is an administrative building which contains the offices of the Director and the Vice Director of the Centre. On the other side of the courtyard there are the offices of the HRC Social Workers. We also saw a classroom which is used for language classes and other training.

In one of the buildings we saw a large common room for Kurdish asylum seekers containing a library, a small café and a TV corner. The asylum seekers had extensively decorated the walls with posters. In the same building there is a small surgery which is operated by a doctor. At the time of our visit it was quite busy with patients.

The Centre also contains a large cafeteria where the food for the asylum seekers is prepared. According to Ms. Danae Christophorides, Vice Director of the Centre, most asylum seekers eat their food inside their rooms.

An Afghan family invited us into their room at the Lavrio Centre. They were accommodated in the third building of the Centre. From the outside this building gave the impression of being in urgent need of repair. The inside looked much better and seemed to have been refurbished some time ago. We took a brief look at the washrooms and toilet facilities on the first floor which seemed to be in order.

The room for a family of four persons was a square of about 4x4 metres with one window in the wall opposite the door. One corner of the room had been detached with bed sheets and other fabrics to serve as a private sleeping area for the family.

One corner of the room contained a small 'kitchen' where lunch had just been cooked. The food was served on a carpet on the floor just in front of the door. On the free wall on the right there was a sitting area with a carpet and some cushions. The family members seemed relaxed and were very friendly.

On the whole the accommodation standards at this camp seemed to be adequate and comparable with the standards of the Austrian reception centre at Traiskirchen. The standards of the care and support services offered at this centre by Hellenic Red Cross seemed to be above the Austrian standard.

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