

ECRE urgently calls on the EU and Member States for more robust solidarity as the refugee crisis in Greece deepens

The current exceptional situation in Greece requires additional measures by the European Union and EU Member States to further support the initiatives taken by the Greek authorities and civil society organisations to address the increasing numbers of refugees arriving in Greece (for an overview of the current situation, please see the [synopsis](#) at the end of this call). In particular at the EU level, immediate and substantial efforts are needed to address the current situation in Greece through three types of concrete action:

An immediate and substantial increase in emergency support to those assisting newly arriving refugees

More financial and technical support is needed for the relentless efforts of the many volunteers, local organisations and NGOs in Greece, who are working under very difficult conditions and whose resources and capacity are already stretched. In addition to the first basic needs in terms of access to accommodation, nutrition and health care, there is a need to increase the provision of accurate information and access to legal assistance and counselling for the newly arriving refugees. This would allow refugees who may wish to enter the asylum procedure in Greece to gain effective access thereto. Additional funding is needed to strengthen the capacity of Greek NGOs specialised in the area of asylum and migration to provide such services, particularly on entry points including Lesbos, Chios, Samos, Kos and Leros and where relevant with the support of NGOs in other European countries. Continued support for the provision of reception conditions and legal assistance and information to refugees arriving in Athens and Thessaloniki is also needed.

While laudable, the engagement of civil society in providing assistance to arriving refugees cannot replace the government's obligation, both moral and legal, to provide adequate reception conditions. The Greek authorities must take the lead role in the coordination of existing efforts, while ensuring this is not at the expense of a swift and efficient asylum process and quality decision-making. ECRE supports in this regard UNHCR's recommendation to designate a single body to coordinate humanitarian response and the setting up of an adequate humanitarian assistance mechanism.¹ Moreover, continued efforts are needed to address the shortage of reception capacity beyond the first reception phase to ensure that asylum seekers in Greece have access to adequate reception conditions in line with Greece's obligations under EU asylum law and international human rights law.

A full and robust application of the reunification provisions under the Dublin Regulation

Other EU Member States' asylum authorities and the Greek Asylum Service should facilitate, under the Dublin Regulation, the reunification of those arriving in Greece with family members and relatives already present in other EU Member States. This requires not only that the criteria for allocating responsibility on the basis of the family provisions under the Regulation are systematically applied and complied with in practice, but also that more extensive and systematic use is made of the possibility for another EU Member State to take over responsibility for applicants on the basis of family considerations under the discretionary clauses. An appropriate reading of the discretionary

¹ UNHCR, 'Number of refugees and migrants arriving in Greece soars 750 per cent over 2014', 7 August 2015, available at: <http://bit.ly/1TjxXEA>.

clauses warrants their use for broader family reunification purposes, as clarified by the Court of Justice of the European Union (CJEU) in *K v Bundesasylamt*.²

A serious relocation effort for Greece of at least 70,000 persons within a year

In light of the dramatic increase in the numbers arriving in Greece over the summer, the EU institutions should revisit the political agreement that was reached recently with regard to the relocation of – for the time being – a total 32,256 persons in clear need of international protection from Italy and Greece.³ The objective of relocating 16,000 persons in clear need of international protection from Greece over a time period of 2 years is highly insufficient in light of the recent developments in the country and the additional numbers of refugees that are expected to be arriving for some time to come. A much more significant relocation effort will be needed in a much shorter time period for such solidarity measures to have any meaningful impact on the resilience of the Greek asylum system and the onward movement of refugees to other EU Member States. EU Member States have agreed to revisit the issue of their respective pledges at the end of this year, while the Commission is expected to present a proposal for a permanent system of relocation soon. However, the recent developments in Greece require immediate action.

Given the exceptional increase of refugees arriving in Greece over the past two months, ECRE calls on EU Member States and Schengen Associated States as **an initial step**, to increase the relocation effort for **Greece** to at least **70,000 persons within a year** as part of a reviewed Council Decision on relocation from Italy and Greece. The number should be adjusted where necessary in light of the ever evolving situation. This is necessary as an immediate measure, alongside the discussions on the announced Commission proposal on a permanent relocation scheme which is yet to be tabled. As already envisaged under the draft Council Decision, priority must be given to the most vulnerable asylum seekers arriving in Greece.

ECRE acknowledges that an increased relocation effort would add to the pressure that a number of EU Member States have been experiencing lately, including with regard to their reception capacity. In this respect, the lack of solidarity and meaningful commitment of some EU Member States in the relocation effort as agreed upon in July is unsustainable and those States in particular must come forward now. In ECRE's view, the exceptional situation that Greece is experiencing demands exceptional measures. An increased, swift and rights-based relocation effort from Greece can play a crucial role in further supporting the country in building up the necessary structures to process asylum applications and to accommodate applicants in adequate conditions. Therefore, an increased relocation effort that goes hand in hand with increased support to strengthen the current efforts of all actors in Greece to deal with the current inflow is in the best interests of other EU Member States, as well as Greece.

Confronted with the conditions in Greece, many refugees arriving there decide to move on where they have family members or relatives or where they hope to find better conditions to rebuild their lives. Because they are not allowed to travel regularly to other EU Member States as a result of the Dublin Regulation, many see no other option than to travel on to the Former Yugoslav Republic of Macedonia (FYROM) and Serbia on their way to Hungary,⁴ which is about to complete a fence at the border with Serbia and adopted new legislation considerably reducing procedural safeguards and

² CJEU, Case C-245/11 *K v Bundesasylamt*, Judgment of 6 May 2012.

³ Council of the European Union, *Resolution of the representatives of the governments of the Member States meeting within the Council on relocating from Greece and Italy 40 000 persons in clear need of international protection*, 11131/15 ASIM 63, 22 July 2015.

⁴ On the situation at the Greek-FYROM border, see GCR, *Αποστολή ΕΣΠ στην Ειδομένη*, August 2015, available at: <http://bit.ly/1L5CA39>.

protection opportunities for asylum seekers.⁵ Since 2011, when the European Court of Human Rights (ECtHR) declared Dublin transfers to Greece incompatible with fundamental rights,⁶ the situation of the country's asylum system has not improved so as to allow the moratorium on transfers to be lifted. Accordingly, four years after the *MSS* ruling, Greece remains an unsafe country for asylum seekers. The European Union and its member states must act immediately in response to the current situation.

An increase in relocation pledges for Italy within one year would also have to be foreseen in light of its specific situation and reception capacity and pending agreement on and entry into force of the announced Commission proposal for a permanent relocation mechanism. In order to maximise the relief provided by the relocation scheme to the asylum systems of Italy and Greece, relocation procedures will have to be swift and the Member States of relocation will have to adopt a sufficiently flexible approach to avoid rendering the procedure too cumbersome, while stepping up efforts in integration programmes for those relocated. At the same time, relocation should be carried out only with the informed consent of the applicants concerned and in full respect of their fundamental rights, while taking into account the preferences and best interests of the applicants concerned as much as possible. This should include the involvement of NGOs in Greece and Italy to assist the authorities in identifying specific connections of those eligible for relocation with particular Member States as well as NGOs in the Member States of relocation to assist with the completion of their asylum procedure and integration. Where necessary, additional resources should be foreseen for NGOs to engage in such activities.

While a robust relocation effort from Greece and Italy is urgently needed, ECRE is also concerned about the increased pressure on the asylum system in countries such as FYROM and Serbia, which also led to the temporary closure of the Greek-FYROM border in August 2015. Measures taken in Hungary and at the Hungary-Serbia border aim at containing refugees in Serbia and Macedonia which adds to the pressure on both countries, whose asylum systems are dysfunctional and are not capable of dealing with the current numbers.⁷ As a result, many refugees risk being trapped in Serbia and Macedonia in difficult conditions as they may not be able to find effective protection there and become the victim of policies aimed at shifting the responsibility to countries in the Western Balkans.⁸ *Non-entrée* policies and push backs at the borders not only violate international refugee and human rights law, they are also only shifting and not solving the problem. Such policies must be stopped immediately, while at the same time, further measures must be taken to strengthen the asylum systems in Serbia and FYROM as well as the capacity of civil society organisations to provide legal and other assistance to refugees.

Brussels, 27 August 2015

⁵ Hungarian Helsinki Committee, *Building a Legal Fence: Changes to Hungarian asylum law jeopardise access to protection in Hungary*, 7 August 2015, available at: <http://bit.ly/1KZYGEg>.

⁶ ECtHR, *MSS v Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011.

⁷ On the general risks faced by refugees and migrants, see Amnesty International, *Europe's Borderlands: Violations against refugees and migrants in Macedonia, Serbia and Hungary*, 6 July 2015, available at: <http://bit.ly/11545Wg>.

⁸ Recent country papers published by UNHCR have pointed at serious gaps in the asylum systems of both countries. Because of those gaps, UNHCR considers that Serbia and FYROM do not qualify as a safe third country and advises other states to refrain from returning or sending asylum seekers to both countries. See UNHCR, *Serbia as a Country of Asylum*, August 2012, available at: <http://bit.ly/1V6O23l> and UNHCR, *The former Yugoslav Republic of Macedonia as a Country of Asylum*, August 2015, available at: <http://bit.ly/1Kh6dA2>.

Background synopsis

An unprecedented refugee crisis on the Greek islands

The arrival of increasing numbers of refugees and asylum seekers on the Greek islands in the past months is unprecedented. According to the United Nations High Commissioner for Refugees (UNHCR), over 160,000 refugees had arrived in the country since January 2015, while more than 50,000 arrived in July alone.⁹ Among those, most have arrived by sea from Turkey, with the highest numbers arriving on the islands of Lesbos, Chios, Kos, Leros and Samos. In July, UNHCR reported that on average 1,000 refugees were arriving every day on the Greek islands, creating an unparalleled emergency crisis in the country. The vast majority of the third-country nationals arriving are from refugee-producing countries; UNHCR reported in mid-July that 90% of the persons arriving on the islands were from Syria, Eritrea, Somalia, Afghanistan and Iraq. It is clear that this trend will not change soon, as according to UNHCR between 8 and 14 August alone, 20,843 migrants arrived in Greece.¹⁰

The high numbers arriving in Greece place upon the Greek authorities enormous challenges, as the country is going through the worst economic and financial crisis in its history. During a recent visit to Greece, ECRE and its member organisation the Dutch Council for Refugees witnessed the dire conditions in which refugees arriving both on Lesbos as well as in Athens find themselves.

Efforts to assist arriving refugees

Important, and even heroic, efforts are being made by individuals, both Greek residents and visiting tourists, as well as civil society and the Greek national and local authorities on the islands and in Athens. In Athens, an emergency accommodation centre made up of container facilities was set up in Votanikos to host up to 700 persons, namely the approximately 450 refugees who were previously residing in a makeshift camp in the city's Pedion tou Areos park.¹¹ Similar initiatives for reception facilities are currently designed for Lesbos,¹² where the majority of refugees – namely from Syria – are living under squalid conditions in the makeshift camp of Cara Tepe.¹³

According to the Greek authorities, First Reception Mobile Units are to be immediately set up on Kos and Leros, while a Mobile Unit will also be established on Chios at a later stage. For the island of Kos more specifically, the government is aiming to establish a fully-fledged First Reception Centre, while an abandoned public welfare (PIKPA) building on Leros is requested for the accommodation of refugees.¹⁴ Much needed additional emergency funding has been requested recently by the Greek government from the European Commission to support UNHCR's activities in the area of first reception.

Syrian refugees are transported by the Greek authorities on a ferry from the Aegean islands to the mainland. Over 2,400 Syrian refugees who left the islands of Kos, Leros, Kalymnos and Lesbos on the "Eleftherios Venizelos" ferry disembarked at the port of Piraeus on 20 August. The ferry returned to Lesbos and transported another 2,100 Syrian refugees to Piraeus on 21 August, and another 2,500

⁹ UNHCR, 'Numbers of refugee arrivals to Greece increase dramatically', 18 August 2015, available at: <http://bit.ly/1PjJjap>.

¹⁰ UNHCR, 'Numbers of refugee arrivals to Greece increase dramatically', 18 August 2015.

¹¹ AIDA, 'Greece: Pedion tou Areos refugees relocated to open reception centre in Votanikos', 17 August 2015, available at: <http://bit.ly/1PIO0AE>.

¹² UNHCR, *Greece: UNHCR Operational Update 21 July – 21 August 2015*, available at: <http://bit.ly/1NGz5Td>.

¹³ See UNHCR, 'UNHCR warns of growing asylum crisis in Greece and the Western Balkans amid arrivals of refugees from war', 10 July 2015, available at: <http://bit.ly/1gs1QWY>.

¹⁴ in.gr, 'Μονάδες υποδοχής προσφύγων και μεταναστών σε Κω, Λέρο και Χίο', 18 August 2015, available at: <http://bit.ly/1NkpFO4>.

on 24 August, given that the majority of commercial ferries are currently at full capacity until the end of the summer season.¹⁵

At the same time, local NGOs, private citizens, church communities and numerous volunteers have mobilised and provide significant help with the distribution of food, water and clothes to the refugees and are playing a crucial role as the authorities cannot handle the situation on their own, but their resources are also limited. On Kos, a local initiative entitled “Solidarity Kos” had to halt its provision of food to newly arriving refugees due to resource constraints on 3 August.¹⁶ Both Médecins du Monde and (MdM) and Médecins Sans Frontières (MSF) are providing medical assistance on the main islands of arrival, while the Greek NGO Medical Intervention (MedIn) is providing psycho-social support services for the First Reception Mobile Units that are deployed on Samos. ECRE member the International Rescue Committee (IRC) is providing crucial WASH sanitary assistance on Lesbos.¹⁷ The Hellenic Red Cross is also to implement an emergency action plan mobilising CHF 300,000 in humanitarian assistance on Kos, Lesbos, Samos and Chios,¹⁸ while Save the Children is planning to deploy child-specific activities in Greece. Finally, legal assistance is being provided by UNHCR and NGOs, including ECRE member Greek Council for Refugees (GCR) and AITIMA, but capacity is limited and certainly not sufficient to meet the needs, and is mostly limited to mainland Greece.

The deeper challenges to Greece’s asylum system

The recent dramatic increase of arrivals of refugees in Greece interferes with the country’s attempts in the past years to rebuild its asylum system, including through the creation of a specialised and professional Asylum Service with branches across the country to facilitate access to the asylum procedure.¹⁹ Many of the challenges faced by Greece in that effort are only exacerbated by the exceptional number of arrivals on its islands, often remotely located from asylum authorities. In the case of main entry points such as Chios, Samos, Leros and Kos, it is impossible for refugees to access the asylum procedure before being transferred to Athens or Rhodes for that purpose.

Furthermore, the shortage of reception accommodation for asylum seekers in general remains a major concern in Greece. The abovementioned efforts to provide additional first reception accommodation only provide a solution for a limited number of persons and for the initial period after their arrival until their registration is completed. These necessary and welcome initiatives thus provide no structural solution to the lack of reception capacity in Greece for asylum seekers during the procedure, in particular for the most vulnerable groups among them. The absence of appropriate reception structures may also have an impact on the viability of EU Agencies’ involvement as part of the “hotspot” approach launched in the country, given that “hotspots” rely on existing reception facilities in the Member States.²⁰

Greece will be receiving €474 million under the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF) for the period 2014-2020, as well as €2.7 million in emergency

¹⁵ AIDA, ‘Greece: Ferry for refugees to leave the Aegean islands’, 21 August 2015, available at: <http://bit.ly/1Nq30jw>.

¹⁶ AIDA, ‘Greece: Border monitoring reports by the Greek Refugee Council’, 12 August 2015, available at: <http://bit.ly/1hMjPbn>.

¹⁷ IRC, ‘International Rescue Committee Deploying Emergency Response Team to Lesbos, Greece’, 14 July 2015, available at: <http://bit.ly/1M3RCrO>; ‘Refugee Crisis in Greece’, 11 August 2015, available at: <http://bit.ly/1hvDE6V>.

¹⁸ in.gr, ‘Μονάδες υποδοχής προσφύγων και μεταναστών σε Κω, Λέρο και Χίο’, 18 August 2015.

¹⁹ In addition to its Central Office in Athens, the Asylum Service currently has Regional Asylum Offices (RAOs) in Attica, Thessaloniki, Northern Evros, Southern Evros, Lesbos and Rhodes, while Mobile Units are operating Amygdaleza and Patras. See AIDA Country Report Greece: Third Update, April 2015, available at: <http://bit.ly/1HE5MNf>.

²⁰ For an explanation of the concept, see European Commission, *Explanatory note on the “Hotspot” approach*, July 2015, available at: <http://bit.ly/1N46jcT>.

funding made available by the European Commission, whereas €4.8 million emergency assistance has been granted to Greece under the 2014 ISF Visa and Borders Annual Work Programme. According to the Alternate Minister for Immigration, Tasia Christodouloupoulou, reception centres accommodating a total 2,500 refugees are to be established by the end of 2015 with AMIF funding.²¹ However, its capacity to absorb EU funds is currently impaired due to the absence of a specialised authority to coordinate asylum funding. While the Ministerial Decision establishing a European Asylum, Reception and Integration Programmes Management Authority was adopted on 18 August,²² the body has not yet become operational so as to allow for the disbursement of the funds.

²¹ Greek Ministry of Interior and Administrative Reconstruction, *Statement by Minister Christodouloupoulou on the "creation of 2,500 places of open reception for refugees until the end of 2015"*, 12 August 2015, available in Greek at: <http://bit.ly/1fuGwyY>.

²² Υπηρεσία Διαχείρισης Ευρωπαϊκών Προγραμμάτων Ασύλου, Υποδοχής και Ένταξης. See Kathimerini, 'Σε Θεσσαλονίκη και Καβάλα τα πλοία από Αν. Αιγαίο με Σύρους πρόσφυγες', 19 August 2015.