

**Diakonie**   
Deutschland



# SOLIDARITY FIRST

## Reclaiming the Values of Europe

15TH EUROPEAN CONFERENCE  
ON ASYLUM LAW

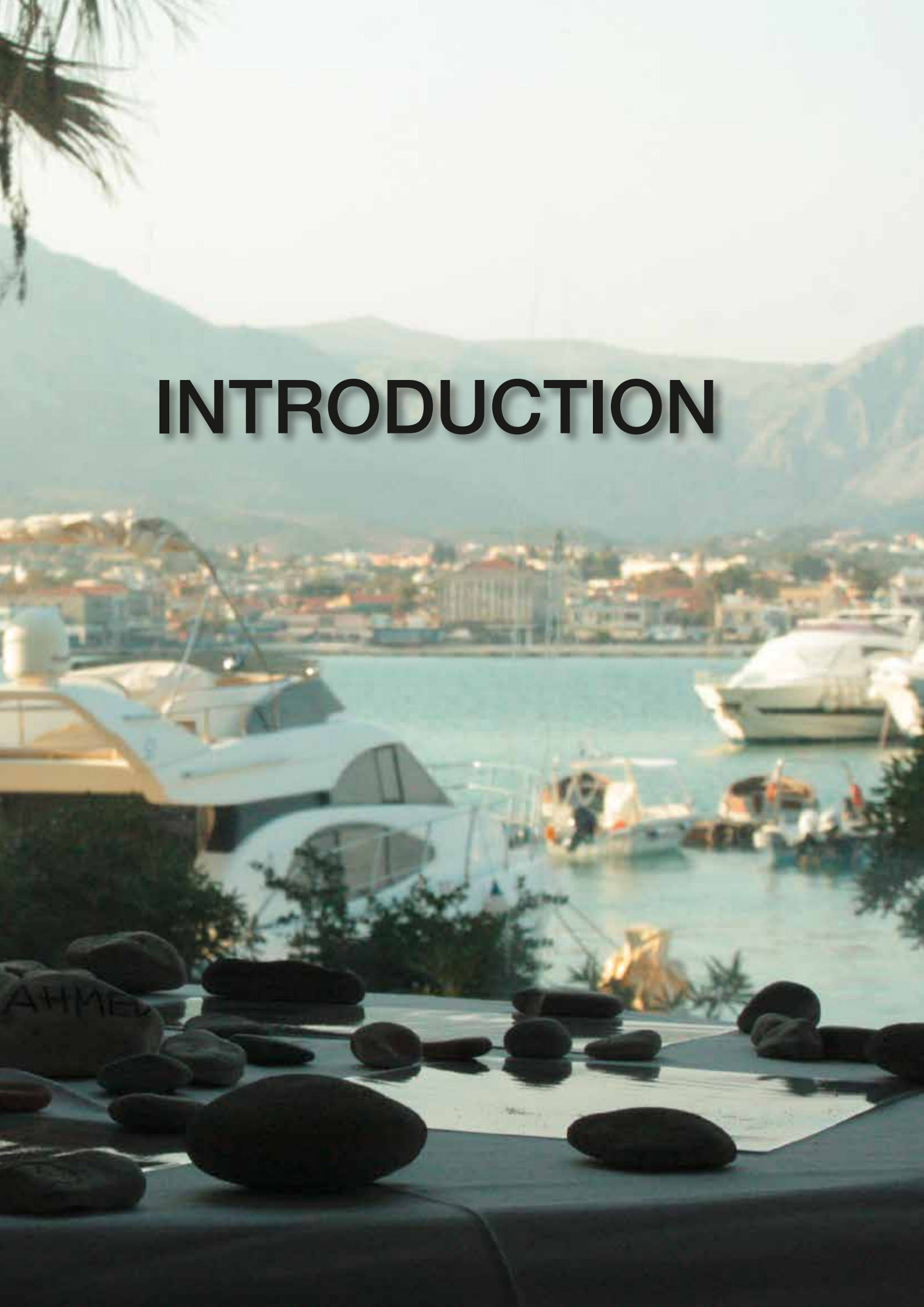
CHIOS/ATHENS  
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# INTRODUCTION



# Idea of the Conference

For more than a decade now, the European Conference on Asylum has been held in different locations and brought together church-based organisations in Europe. In October 2018 it took place for the 15th time in Greece (Chios and Athens). Participants were, as usual, multipliers in the field of assisting refugees and asylum seekers, from counselling and social work to advocacy at different levels in – but not only – church-based organisations from European countries. The conference was organised under the umbrella of the Churches' Commission for Migrants in Europe (CCME).

In the light of current developments in the EU, the EU-Turkey Statement and the reform of the

Common European Asylum System (CEAS), we chose Greece as the conference venue for 2018, also as a sign of solidarity because of the still difficult reception conditions and challenges to the Greek asylum system.

The purpose was not only to build a network and a common understanding of refugee protection in Europe but also to go to those rural areas where you can see the impacts European migration policy with your own eyes, where you can listen directly to asylum seekers and refugee supporters who daily face the deadlock at the external borders of Europe. This can be “life-changing” as one participant stated after the conference.

## The aims of the conference were to

- facilitate and to spark the discussion and positioning of churches in the European refugee and asylum policies in a growing reluctance of welcoming refugees
- enhance networking by practitioners and representatives of church and non-church actors in refugee and asylum policies in Greece and other European countries
- gather information on current challenges to the Greek asylum system, at the EU's external borders and on the mainland, reception conditions, detention, by visits to local facilities in Chios and in Athens, meeting with NGOs and state actors
- have an exchange on the future of the Common European Asylum System.

We are very grateful to all speakers at the Conference for giving us the unique opportunity of a condensed and intense insight into the present situation in Greece. Efthalia Pappa from the Church of Greece made sure that all important actors in refugee work were gathered to meet us. Special thanks go to her for all her indispensable help and support in planning and implementing the programme.

We hope that the results will be carried into everyone's daily work, and will strengthen our advocacy for a human rights-based refugee protection in Europe.

Dr. Torsten Moritz,  
Churches' Commission for Migrants in Europe

Katharina Stamm,  
Diakonie Deutschland



*Katharina Stamm and Dr. Torsten Moritz*



# Declaration of the Participants of the 15th European Asylum Conference

We, altogether some 150 participants from 16 European countries, met from 15 to 20 October 2018 in Chios and Athens, Greece, for the 15th European Asylum Conference. The event was co-organised by the Churches' Commission for Migrants in Europe and Diakonie Deutschland with the slogan "solidarity first".

Based on our findings and discussions we urge:

- an end to the hotspot approach both in its current form and as a blueprint for a future asylum regime of the European Union (EU);
- the immediate transfer of asylum seekers from the islands to the Greek mainland and an immediate improvement of the reception conditions on the islands as a shared responsibility of European and Greek authorities;
- an end to the externalisation of EU asylum policy and, instead, the establishment of a true Common European Asylum System based on high standards in reception and procedure, access to procedure and true sharing of responsibility among all parties;
- the establishment of ways to gain safe passage to Europe for protection and other reasons, e.g. family reunification or labour migration.<sup>1</sup>

## RATIONALE

When on Chios, we were shocked to observe not only the undignified and humiliating condition of refugees stranded there. We were also very concerned about the impact on local people, who feel left alone in this situation - created because Greece is the doorstep to Europe and about which we need to remind the wider European public. We were frustrated by the apparent lack of clear responsibility between different actors, e.g. EASO, FRONTEX, the Greek authorities, at the border, for reception and in asylum procedures. This leads to different stakeholders only

partly taking on the role they would need to play, if they do so at all, thus creating a general state of non-accountability. We were impressed to learn of the efforts by the Greek population, volunteers, local and international actors to support the women, men and children arriving in search of safety and a dignified life.

This situation in Greece is the result of a policy of deterrence and intervention by the EU as well as Member States at several levels, e.g. through the EU agencies FRONTEX or EASO. The aim to keep refugees outside or at the border of Europe is embodied by the EU-Turkey Statement and the hotspot approach. We note with great concern that none of the protection-oriented promises linked to the hotspot approach has been fulfilled, e.g. sharing responsibility through relocation, the promise of fast and high-quality procedures, or the reduction of pressure on countries at the EU's external borders.

In practice, the regime of restricting persons arriving in search of protection to the border areas of the EU undermines their fundamental rights and human dignity. It leads to trauma and is the reason for many suicide attempts in the hotspots. Another consequence is the deteriorating health of inhabitants, who have no access to either a livelihood or adequate medical services and insufficient access to education. All in all, it is a violation of the physical and psychological integrity of hotspot residents.

Recalling several studies, as well as the public issues statement<sup>2</sup> of the Conference of European Churches, in June 2018, we note that lengthy periods in camps are detrimental to people's well-being, especially children.

A further aggravating factor is the de facto lawless situation in the hotspots. In many cases there is no effective access to asylum on EU soil due to "inadmissibility" procedures on the basis of the safe third-country concept. Often decisions

<sup>1</sup> <https://migrantsineurope.wordpress.com/safe-and-legal-paths/background-information/>

<sup>2</sup> [http://www.ceceurope.org/wp-content/uploads/2018/07/GEN\\_PUB\\_01\\_Public\\_Committee\\_Draft\\_Report\\_APPROVED\\_EN.pdf](http://www.ceceurope.org/wp-content/uploads/2018/07/GEN_PUB_01_Public_Committee_Draft_Report_APPROVED_EN.pdf)

based on such procedures are handed down to persons who do not understand these procedures, and who face the risk of chain deportation, with neither access to legal assistance nor recourse to effective remedies.

In this respect and in light of ever more restrictive asylum policies and practices we reiterate the right for all to access a full, high-quality asylum procedure inside the EU, irrespective of the route by which a person entered the EU. Such procedures should include the right to family life and family reunification both during and after such a procedure.

In a situation where EU border states are currently left alone we re-emphasise the vision of “solidarity first”. Solidarity and sharing are understood as stronger shoulders bearing more than the weaker ones, and everyone contributing what they can.

We are convinced that such solidarity would, in practice, lead to a common system of comparably high standards of reception and asylum procedure across the EU. By contrast with the present reality, a preference and personal links-based system of determining the Member State responsible for handling an asylum claim could be implemented.

With concern we have noted several cases of criminalising acts of solidarity in receiving persons seeking protection on the Greek islands, the mainland and also across Europe. We therefore reiterate the call to remove the threat of criminalising humanitarian assistance for persons seeking safety, dignity or protection, irrespective of their status, and support their right to legitimately protest against their unacceptable living conditions.

An issue which was sadly topical during our days in Greece is the fate of those dying when trying to cross the Aegean Sea, Mediterranean or other external borders of Europe, mainly as a result of prevailing policies. Every June, CEC and CCME call for the commemoration of those who have died on their way to Europe and, in this spirit, we vowed that “we will remember you” in a commemoration ceremony in Chios.

We therefore call for continued search and rescue at sea, and safe and speedy disembarkation in the next safe port, as foreseen in international maritime law. First and foremost, we reiterate the need to create safe passages to Europe as a complementary pathway to protection, as exemplified in the “humanitarian corridor” pilot projects launched by Protestant and other churches in Andorra, Belgium, France and Italy, as well as in the UNHCR Resettlement Programme.

We are aware that, for European policy and practice, the challenges to create a welcoming Europe characterised by hospitality and fellowship, full respect for the rule of law and not by fear will be considerable. Churches and civil society in Europe will continue to play their part in addressing them.

“For God has not given us the spirit of fear; but of power, and of love, and of a sound mind.”  
2 Timothy 1:7.

*“For God has not given us the spirit of fear; but of power, and of love, and of a sound mind”.*  
*2 Timothy 1.*



# Winter is Coming!

## SERIOUS HUMANITARIAN SITUATION AT GREEK REFUGEE CAMP

TEXT: JOHANNA LINDER

PHOTO: RAMIN MOHABAT & ANNEGRET KRELLNER

TRANSLATION: MICHAELA SEITZ

On the Greek island of Chios refugees are extremely vulnerable, exposed to poor conditions regarding food, water and hygiene. In addition, there is now a great deal of worry about how to survive the winter in the camp.

I heard it said three times today: Winter is coming! The mantra from the TV series “Game of Thrones” is also heard here, on the island of Chios in Greece. And just like in the series there is a wall, albeit invisible but still everywhere. It runs somewhere between the eastern Aegean islands and the Turkish mainland.

*Since the joint EU-Turkey Statement was agreed in 2016, however, the reality has been different. Refugees are trapped on the islands: there is no relocation, no proper accommodation, no quick decision and no return.*

Greece has been given the task of protecting Europe, as has Turkey under the joint EU-Turkey agreement. But what is it that we are supposed to be protected from? White walkers on the other side of the wall?

No, not at all – we are to be protected from families crossing the sea at night. Pregnant women. Little girls cuddled up to their dads in the cool night air. Men protectively putting their arms around their wife’s shoulders. Teenagers who come with their older brothers. Refugees.

Many drown on the way, others reach the beaches of Chios and are placed at the Vial camp, the refugee camp located in an olive grove on the southeast side of Chios.

- I went to the beach to swim this morning. There was a boat left behind by refugees, just



where I was swimming. It looked exactly like all the pictures that we are used to seeing in the newspapers.

A participant reported this at the conference titled “Solidarity first – reclaiming the values and principles of Europe”, a conference on asylum rights lasting for one week, starting on the island of Chios and ending in Athens. The organisers are CCME, Churches’ Commission for Migrants in Europe and Diakonie Deutschland.

Chios is one of five islands in Greece where a ‘hotspot’ is located, a refugee reception centre that was originally intended to identify new arrivals at the EU’s external borders. The idea was to set up a fast procedure to determine the refugees’ protection needs and for asylum to be granted or denied quickly. In the case of a positive decision refugees were to be relocated to other EU countries, with a fair distribution mechanism. In the case of a negative decision, refugees were to be sent back to their countries of origin immediately.



Since the joint EU-Turkey Statement was agreed in 2016, however, the reality has been different. Refugees are trapped on the islands: there is no relocation, no proper accommodation, no quick decision and no return. The hotspot concept in general and the conditions in the hotspot camps in particular are under severe criticism. Doctors Without Borders have even withdrawn their support from the Moria camp on Lesbos, arguing that they are no longer willing to support such a humanitarian disaster.

...

When we get off the bus at the Vial refugee camp, two policemen arrive immediately to find out what our small group is doing there. When our guide explains that we are just visiting they let us stay. Then we walk around the camp, on the outside. The camp is fenced with barbed wire, its living quarters, called 'containers', are overcrowded. There is garbage everywhere. The stench inside the camp is horrible, it smells of latrines and urine. People are hanging around, little children play among the garbage.

Our guide tells us that there have been several riots inside the camp, and that they keep rebuilding the fence over and over again.

- The camp is spreading informally, our guide says, pointing to a forest grove outside the broken fence of the camp. The tents are set so close that you wonder how people are able to get in and out.

At the back of the camp the fence is completely open and people walk in and out. That is a little strange, considering all the guards and police at the main entrance at the front of the camp. We

*"There are no photos allowed. If they found out, they will take our phones."*

are now a group of three who have decided to talk to refugees outside the camp. First, the photographer Ramin, who himself escaped from Afghanistan a few years ago, Michaela, who interprets and me, trying to take notes. Im-

mediately, several people gather around our little group. They ask us for help with different matters.

- "We want you to tell people how we live here!" several of them say.

In each of the small huts inside the camp live three to four families. The camp has capacity for 1,100 people. Currently there are at least 2,500. The huts are terribly crowded.

Many others stay in tents.



- "Where will we sleep when winter comes?" wonders Farzana.

She is from Afghanistan and has been in the Vial camp for four months now. As her English is very good she often helps with translating in the camp. She is proud to be able to help.

I ask her what she would like to do in the future.

- I want to go to Luxembourg. There you can live a good life and I want to work as an interpreter. But I do not think I'll get out of here. They say I always have to go back to Greece, if I even get out. It's like a trap. And if we go to Athens then we'll just end up in another camp.

*"I'm sick almost all the time, mostly diarrhoea and stomach ache. There is often some kind of oil on the water and the food is so bad."*

"What is it like inside this camp?" I ask, pointing to the opening in the fence.

- "It's not good at all," says Farzana. "We have too little water and the food makes us sick."

"Have you been ill?" I ask.

She answers: - "I'm sick almost all the time, mostly diarrhoea and stomach ache. There is often some kind of oil on the water and the food is so bad."

Farzana also tells us that they are not allowed to take photos in the camp.

- "It is forbidden. If they find out, they will take our phones. I do not know why, maybe they don't want anyone to see how bad things are in the camp."

In the evening there are no police or guards in the camp. Over two thousand people are left to their destiny in overcrowded conditions, which makes women particularly vulnerable.



But on this October day a friendly sun shines over the camp and between the olive trees outside the fence a few women, men and young children have sat down on a blanket.

The photographer Ramin speaks with them in Farsi. The children play with a big red ball in the dry grass. The smallest of them is barefoot.

- "We don't feel at home. It's not good here. In Afghanistan we were always happy when winter came, but here we are afraid of it."

*"We have had booked appointments with a doctor, but then the doctor did not come. I don't know what to do. I'm their mother, I have to help my children."*

A woman tells us:

- "The children are sitting in their tent, they are sick and can't go out, especially when it's raining. They can sit there and just watch out for several days."

She also tells us that the children are getting bitten by snakes and insects.

- "All the time you see small children with swollen big bites. I have heard that in the camp at Lesbos there are rats that attack babies and bite off pieces of their ears. I have not seen this, so I guess we're better off here."

Karishma has three almost adult children. She wants us to help her get a doctor to her two daughters, one is seven months pregnant and the other six months.

- "Neither of them has met a doctor during the pregnancy. We have had booked appointments with a doctor, but then the doctor did not come. I don't know what to do. I'm their mother, I have to help my children!"

Her son is seriously injured and can't leave the container the family has to share with three other families.

- "The Taliban shot him in the head, and now he gets no help. He is terribly ill," Karishma says.

...

Then, when our little group of three is heading back to the city of Chios, the photographer Ramin tells us that he was imprisoned by the Taliban because he had photographed them when he worked as a journalist.

- "They tortured me, but I managed to escape, together with my brother. We ended up at Lesbos camp for a few weeks. Then we came to Athens and followed the Balkan route mostly on foot all the way to Germany. We slept outside, on the streets. Now I live in Germany and work as a photographer."

...

After visiting Vial Camp on Chios we have seen the people left in total limbo in the camp. They feel left alone with their concerns, many are sick and they are very worried about what will happen when the winter comes.

The conference "Solidarity first – reclaiming the values and principles of Europe" calls on both the EU and the Greek authorities to live up to their responsibility and at least respect minimum humanitarian standards at the hotspot camp in Chios and the other hotspot camps in Greece.

# Commemoration of Those who lost their Lives in the Mediterranean on their Way to seek Safety



In 2018 over 2000 people lost their lives in the Mediterranean on their way to seek safety. The participants of the conference commemorated those who sought safety and lost their lives on their way. Several participants shared the stories they had heard or witnessed, stories about death and desperation.

*"We will remember you."*

After a memorial address and vigil, the participants went together to the beach for a moment of silence. Each of the participants held a stone, a symbol of the ones who died. These stones went home with each person, carried across Europe, to remind us every day of our loss of humanity and our duty to fight for human rights.



# GREEK PERSPECTIVE



# The Remains of the Refugee Crisis

## RECENT DEVELOPMENTS IN THE LAW, POLICY AND PRACTICE OF ASYLUM IN GREECE

EFTHALIA PAPPA, VICE MODERATOR OF EXECUTIVE COMMITTEE OF CCME, CHURCH OF GREECE, SYNODICAL COMMITTEE OF INTER-ORTHODOX AND INTER-CHRISTIAN RELATIONS

The narrative: *Caught between the Scylla and Charybdis\**

*\*Being between Scylla and Charybdis is an idiom deriving from Greek mythology, meaning «having to choose between two monsters». The story was often applied to political situations at a later date.*

Over the last ten years, Greece has had to deal cumulatively with two of the most serious crises in the recent history of the country: the huge migratory flows (disproportionate to the size of the country and the reception capacity) at the eastern and southeast sea borders, and the socio-economic crisis. This last one, under the tremendous pressure of the memorandum policies, has negatively affected the operational capacity of the Greek administration to respond effectively to the management of the migratory flows, including the reception and protection needs of new arrivals. In 2013, two new independent administrative authorities were put in place (the Asylum Service and the First Reception Service) after long efforts of the government to rationalise the asylum and migration system in Greece, and to bring the reception conditions into conformity with the current EU asylum acquis and the Return Directive. These two new authorities, together with a third one, the Appeals Authority, were at serious risk of collapsing under the burden of the refugee crisis combined with the austerity measures.

In fact, the successive Greek governments of the 1990s and in the early 2000s did not establish reliable, functional reception structures/camps at the sea borders (according to a politi-



*Efthalia Pappa, Vice Moderator of Executive Committee of CCME*

cal misperception, this was a way to avoid creating a 'pull factor' or attracting people to Greece). Additionally, from the end of 2010, the detention camps under police custody operating on the Greek islands of the southeast Aegean were shut down due to the fact that migration flows had been minimised in the sea border areas. At the same time, Evros (northwest land border with Turkey) started to receive increased migration flows. In this area, the first reception centre was created in Filakio in 2013 although migration policies in the area were, and remain, disputable. Consequently, when at the end of 2013 the sea arrivals resumed, Greece was completely unprepared to receive the new arrivals at the former

*Many asylum seekers were homeless, sleeping in parks and public squares together with unregistered asylum seekers and other migrants.*

closed camps.

There were no state reception centres on the mainland (only detention centres), with the exception of Filakio in Evros. A few NGOs ran accommodation facilities for unaccompanied minors, families and vulnerable persons in Athens and Thessaloniki, with co-funding from the European Refugee Fund. Local society was unprepared and unwilling to create open camps for the provisional accommodation of asylum seekers or to establish new detention centres in urban areas, or on the periphery. Many asylum seekers were homeless, sleeping in parks and public squares together with unregistered asylum seekers and other migrants. At the same time, refugee and migrant communities living

*With the closure of the border in Eidomeni in 2016 and with the imposition of the EU-Turkey agreement signed in March 2016, the burden was transferred to the islands.*

in working-class neighbourhoods of the major urban centres were relatively well integrated although not supported with social benefits.

The refugee crisis in 2015 and 2016 transformed the local population, which became socially aware through the experience of the human tragedy playing out before their eyes; neighbourhoods became tolerant and supportive, and started to demonstrate compassion and solidarity. In the same way, but at a slower pace, the administration “admitted” that managing migratory flows does not mean necessarily border crossing to continue the journey to the north.

With the closure of the border in Eidomeni in February 2016 and definitively in March with the imposition of the EU-Turkey agreement signed on 18 March 2016, the “burden” was transferred to the islands. In this context, the large majority found themselves confined to one of the five islands where hotspots are located for periods ranging from a few months to – very often – more than a year, in overcrowded and appalling facilities. As the number of arrivals increased, the already dire conditions deteriorated and the number of transfers to the mainland remains insufficient to address the crisis.

In fact, on the mainland, 28 reception and accommodation centres were opened gradually (already overcrowded) and the host population benefits from thousands (4,265) of apartments and 25 buildings that the Estia programme under UNHCR rents in 21 cities across Greece. While flows are steadily rising in relation to 2017 and arrivals in Evros have more than doubled the number for last year, the transfer of eligible asylum seekers to the mainland depends on the accommodation capacity and the creation of new places.

By the end of September 2018, there were 64,900 migrants and refugees in Greece, 17,600 on the islands and 47,300 on the mainland.

At the same time, the asylum service is entrusted with managing / processing nearly five times the number of asylum applications over 3 years.

The number of recognised refugees has multiplied but the major problem after the confinement of refugees in the islands and the admissibility procedures in place remains access to the asylum procedures mainly for new arrivals from the North (the asylum service has no operational capacity to respond effectively).

Struggling between the constraints of the political pressure from European partners and the EU institutions to implement the agreement and the general outcry about the situation at the hotspots, the government is attempting a shift towards a smooth decongestion of the islands. At the same time, in order to reassure the European partners, the government on 5 October 2018 published a notice in the Official Government Gazette containing a new decision of the Director of the Asylum Service imposing a geographical restriction on the islands.

More specifically, the decision imposes a restriction of movement to the respective island on applicants for international protection who arrive in Greek territory through the islands of Lesbos, Rhodes, Samos, Kos, Leros and Chios. This restriction is to be mentioned on the asylum applicants’ identity cards; it expressly excludes applicants falling under the provisions of articles 8-11 of the Dublin Regulation, 604/2013/EU (family reunification) and applicants belonging to vulnerable groups under article 14(8) of L. 4375/2016.

# The EU Refugee System from a Local Perspective

## PERSPECTIVE, EXPERIENCES, CRISIS MANAGEMENT, FIRST RECEPTION AND HOT SPOT APPROACH FROM THE EXPERIENCE OF THE LOCAL AUTHORITIES AT THE GATEWAY TO EUROPE

NATASHA STRAHINI, LEGAL COORDINATOR, RSA (REFUGEE SUPPORT AGEAN) | MANOLIS VOURNOS, MAYOR OF CHIOS | INTERVENTIONS | APOSTOLOS VEIZIS, MÉDECINS SANS FRONTIÈRES | DANAI ANGELI, ASYLUM LAW EXPERT | GEORGE GEORGALAS, LAWYER, LEGAL AID METADRASI CHIOS, LEDA LAKKA, UNHCR PROTECTION OFFICER | ALIKI POTAMIANOU, GCR LAWYER, LESVOS LEGAL AID PROJECT | KATERINA VLASSI, LAWYER, LEGAL AID METADRASI SAMOS | MODERATION: FRANZISKA VILMAR, AMNESTY INTERNATIONAL



The panel discusses the EU's hotspot approach and the EU-Turkey deal from a local perspective. The policies are designed on EU level – the implementation, however, takes place in Greece. The Aegean islands are the geographical location where the hotspot approach and the EU-Turkey deal become reality. These policies of course primarily affect asylum seekers. However, such EU policies cannot be implemented without having effects on the local population as well.

Natasha Strahini's presentation was on *"The situation on the Aegean islands since the beginning of the refugee crisis: Impact of EU refugee policies on Greece's sea borders"*. She first described with the state of play before the refugee crisis, when sea arrivals were rare and different policies were applied by Greek governments focusing on prolonged detention with very poor conditions and incidents of serious police ill-treatment. In 2015, refugee boats arrived almost 24/7 whilst most of the new arrivals moved to the mainland after some days. Locals and solidarity groups stood by the victims of this crisis. In the beginning of 2016 three main political choices changed the picture: the closure of the Balkans route in February, the EU-Turkey

statement (known as the "deal") that came into effect in March and the "hotspots" established on five Aegean islands (Lesvos, Chios, Samos, Leros and Kos). In just three days the status quo on the islands was completely transformed. The EU-Turkey statement created a new crisis on the islands but this time it was one created by the political choices made by the EU and its member states. In just one day, the open Reception and Identification centres ("hotspots") were turned into closed ones. Strahini outlined how the system was not prepared for this change. The indiscriminate and unlawful detention policy in the hotspots created an explosive situation as the idea of the refugees stranded on the islands shocked both refugees and local communities. As a result of the policy of imposed geographical restriction, new arrivals have to remain on the islands where the hotspots are located until their claim is assessed. Hotspots are no longer temporary; they are long-term accommodation facilities that cannot provide appropriate conditions for the thousands of refugees living there. A brief presentation of the geographical restriction policy (law policy, court rulings) meaning in practice a red stamp on their asylum card mentioning: "Movement restricted to the island of [...]." This stamp does not allow them to leave the island's territory. The practice of geographical restriction has resulted in an unequal distribution of asylum

seekers across Greece and put significant pressure on the Aegean islands. In October 2017, following the decongestion of the overcrowded hotspots, First Vice-President of the Commission Frans Timmermans

*Hotspots are no longer temporary; they are long-term accommodation facilities that cannot provide appropriate conditions for the thousands of refugees living there.*

described the situation on the islands as “unacceptable”. But he also warned: “Migrants must stay on the islands, despite the difficulties, because their transfer to the mainland would send a wrong message and create a new wave of arrivals”. The persistent implementation of the “deal” has resulted to severely overcrowded camps and inhuman conditions. From the notorious Moria

camp in Lesvos all the way to Samos and the forgotten crisis there, hotspots are constantly overcrowded. Living in the hotspots is compared to a living hell. Refugees have to queue in long lines for everything: food, showers, toilets, doctors. Explaining the impact of the “deal” on the refugees is worth mentioning: significant delays in the asylum process; rejection of large numbers of claims by Syrian asylum-seekers based on the premise that Turkey is a “safe third country”; huge gaps in vulnerability assessments and psycho-social support in a collapsing system of vulnerability assessment. Two and a half years after the “deal”, the majority of the children living

*It seems that for European elites, islands are new experimental zones where terrible deterrence policies are being implemented so that refugees are discouraged from seeking protection in Europe.*

in the Aegean hotspots have no access to formal education. The impact on local society is also worrying: in the last two years, xenophobia and reactions by parts of the local community against the presence of the hotspot and refugees has reached another peak. Arson, attacks with brass knuckles, vandalism, hate speech and discord; the list of racially motivated attacks is long and is fuelled by the new situation the local community is experiencing following the EU-Turkey Statement. Public speech is now more than ever influenced by xenophobic hys-

teria, Islamophobia and declarations about the “invasion of immigrants”. It seems that for the European elites, islands are new experimental zones where terrible deterrence policies are being implemented so that refugees are discouraged from seeking protection in Europe. A number of indicative photos of a few recent examples give an idea of Chios community after the “deal”

including massive protests by 3000 persons, serious attacks from locals, demonstrations against the presence of hotspots/refugees whilst the Church stands in solidarity, even a recent letter signed by 1100 parents to the school authorities objecting to refugee children attending regular local schools. In just two years, the Aegean islands seem to have lost their soul and forgotten their recent past. From being places of solidarity, islanders now express stereotypes and fear against refugees. This is a moment of responsibility. In conclusion Ms Strahini asked the participants to use these days to understand better what it means to live on the European borders both as a refugee and a local resident, stressing that the message is clear: the experiment in the Aegean hotspots has failed and must not be repeated elsewhere.

*In just two years, the Aegean islands seem to have lost their soul and forgotten their recent past. The experiment has failed and must not be repeated elsewhere.*

Manolis Vournos, the mayor of Chios, started his presentation by showing a map. Chios is just next to Izmir; in 2015, refugees arriving to Chios stayed in tents close to the beaches and in the public park close to the main square, right in the city centre. Politics in the Middle East suddenly had visible effects, the streets of Chios changed for a short time. The mayor explains that the local population was mostly welcoming during this period: Greek people cooking for the new



Manolis Vournos, Mayor of Chios



Manolis Vournos

Thomas Bormann (SWR)



arrivals in the public park, refugees waiting at the port for the next ferry to the mainland, the public sport hall serving as an improvised accommodation centre. The pictures and welcoming atmosphere despite the large number of people arriving might remind the audience of the similar reaction of civil society in other Member States in 2015. Vournous recalls that the Balkan route was still “open”; refugees were arriving to Chios not so stay but to be registered, sleep a few nights, and then move on to the Greek mainland and from there to the “northern” Member States. However, it quickly became clear that ad hoc camps in the city centre would not be tolerated by the local community for long. The UNHCR and Norwegian Refugee Council arrived before the Greek Ministry of Migration, Vournous remembers. UNHCR provided tents, while local volunteers worked on fire prevention and provided support in several respects. In December 2015, the first coordination meeting took place in the city hall. At the end of 2015, the municipality, together with the Ministry of Migration, started looking for a location for a more permanent camp. Vial was the first choice.

In March 2016, the EU Turkey deal came into force. As the municipality refused to detain people in the city centre, Souda was not an option, i.e. the improvised camp on the Chios beach in the city centre, which had hosted a few hundred refugees for a considerable time in tents. In any case, Souda had already been evacuated. Accordingly, the detention scheme was implemented in Vial. On 7 April 2016, a big demonstration took place. About 600 people left Vial, and marched to the port. According to Vournous, the reason was that the port was seen as a strategically important point of the island by the activists who, according to him, were leading the refugees who initially had planned to march to Souda. What exactly happened, and who decided to march in which direction, will probably never be answered with certainty. In any case, Vournous explained, the demonstration in April 2016 caused by the systematic detention scheme imposed by the EU Turkey deal was the turning point for the local population. The community, who up to then had been willing to help, now perceived the new arrivals as a threat to the island. Locals reacted with huge demonstrations and accused the refugees of causing economic loss and insecurity.

The mayor seemed to be oscillating between the need for local solutions and calling on the EU to do something about the situation. On the one hand, he emphasised the impact of EU policies on the local population in Chios and in Greece in general. According to Vournous, the EU-Turkey deal was highly effective when it comes to reducing arrivals to the islands, which proves

that Turkey does the job the EU is paying it for. Greece, however, hardly implements the return policy – well, no other Member State would do the returns either, the mayor assumes. “Many people say if you don’t have camps, there are no refugees coming.” Vournous, however, replied: “If you don’t have an umbrella, it will still rain.” Be this as it may, EU policies have an impact on the local population which should therefore be included in planning the action taken. On the other hand, the mayor emphasises that the issue is too big to be solved at the local level. The EU must do something - decide what policy it wants to follow, he argued, and then implement it effectively. He called for an effective EU mechanism. And so far the EU-Turkey deal is the only mechanism in place – it must therefore be implemented effectively. Not an easy task.

In her intervention, Danai Angeli, cited recent developments in international human rights law which, in her view, offered new channels to challenge the situation of asylum seekers on the Aegean islands, in particular where children are involved. Angeli’s first argument concerned the legal characterisation of the semi-open accom-



modation centres on the island. In this respect, Angeli recalled that “detention” has an autonomous meaning under international human rights law, not restricted to how national law classifies a situation. Relying on *Guzzardi v. Italy*, Angeli argued that the European Court of Human Rights (ECtHR) assesses the de facto situation taking into account both objective elements, namely the degree of physical restraint a person is subjected to, and subjective elements, namely how a person perceives of his or her situation and in particular whether he or she has consented to it. Citing *M.A. v. Cyprus*, decided in 2013, Angeli noted, first, that the absence of physical restraints is not in itself the decisive factor and, second, that consent requires the existence of real choice. She therefore concluded that it is wrong to assume that a semi-opened centre will always fall outside the scope of detention; instead, each case should be individually assessed and where appropriate the situation ought also to be argued in terms of detention before the ECtHR or national courts.



Apostolos Veizis (MSF), Lida Lakka (UNHCR), Franziska Vilmar (Amnesty International)

Angeli's second point of intervention concerned the particular protection afforded to children and the need to include them as separate rights-holders. Relying on recent case-law of the ECtHR (A.B. and others v. France), Angeli noted some important children-specific principles that have considerably restricted states' ability to detain children: when parents are placed in detention, children are also *de facto* deprived of their liberty; detention, even adequate material conditions, is inherently traumatic for a child; states must always verify that detention was a last resort measure for which no alternative could be implemented. This last-resort approach appears to have been further restricted by an apparent no-resort approach articulated by the UN Committee on the Rights of the Child very recently. In General Comment 4 (2017) the CRC Committee authoritatively stated that the detention of

children because of their own or their parent's immigration status is always a child rights' violation and that detaining children as a measure of last resort does not apply in immigration proceedings because it contradicts the

child's best interests. In light of these developments, Angeli urged that in terms of strategic litigation children may hold the key to challenge the conditions on the islands and that it is crucial to include them as separate applicants and rights-holders.

Franziska Vilmar, who was moderating the discussion, explained that Evi Paida from the Ministry of Education, a teacher at the local school for refugee children, could not join the panel unfortunately due to the current issue of local parents protesting against the inclusion of refugee children in the public school.

Lida Lakka, UNHCR Protection officer in Chios, presented the current numbers of new arrivals, and gave further details on the past years in Chios. Concerning the role of volunteers and NGOs – some of whom were criticised for not



Thomas Bormann (SWR), left and Dimitris Vitsas (Greek Minister for Migration Policy), right

working in a sustainable manner, and others thanked by the mayor – Lida Lakka stressed that volunteers were still needed in the current situation. As reception conditions in the camp remained inappropriate, and neither the state nor the municipality nor the EU – nor UNHCR one would like to add – provided the needed support, some services still relied on volunteers and independent NGOs. Lida Lakka then presented the UNHCR accommodation programme and the cash assistance scheme. Reception conditions in the camp still remain inappropriate, according to UNCHR.

Apostolos Veizis, working with Médecins Sans Frontières (MSF) in Chios, was less diplomatic, and recalled the obvious: migration is normal.

*The mental health situation in the camp is dire – leading to suicide attempts even among minors.*

*Volunteers were still needed in the current situation*



Apostolos Veizis (MSF)

Camps are inhumane, and the camp is a strategy. MSF does not take money from the EU since Greece is becoming the “Nauru of Europe” with the entry into force of the EU-Turkey deal and the implementation of the hotspot approach. But, and this is one of the few points on which Veizis agreed with the mayor, people will come anyway, despite deterrence strategies. He explained the daily life in the camp, queuing a few hours for food, another few hours at the “info point”, while being afraid to leave the children in the tent in case they fall victim to abuse or sexual violence. The mental health situation in the camp is dire – leading to suicide attempts even among minors. Veizis’ perspective is clear: human beings must be treated humanely.

George Georgalas, a lawyer working with the legal aid NGO METAdrasi, reminded the audience of the lack of legal aid in the hotspot and its consequences. There is a worrying gap in legal assistance for second instance appeals. The registry lawyer is currently assigned up to seventeen cases per month, and the agreement between METAdrasi, UNHCR and the Greek Asylum Service under

*There are people left without a lawyer for the appeal.*

which second instance appeals were automatically referred to METAdrasi has ended. Consequently, there are people left without a lawyer for the appeal. As the appeals procedure is a written procedure, no lawyer basically means no chance to submit any new evidence or arguments, that is, no chance to overturn a negative decision by the Asylum Service. Georgalas went on to explain legal issues concerning the procedure in the hotspots, as well as medical screening and reception conditions. According to him, the hotspot is a “Kafkaesque mechanism”.

The following discussion with the participants – mostly from abroad, but including local voices – was lively, and continued during dinner.



# From “Dublin” to the Aegean, Turkey, Libya and Niger – Who is next?

## PERSPECTIVES OF EXTERNALISATION OF EUROPEAN REFUGEE MANAGEMENT SEEN FROM THE GREEK PERSPECTIVE

PROFESSOR DIMITRIS CHRISTOPOULOS, DEPARTMENT OF POLITICAL SCIENCE AND HISTORY, PANTEION UNIVERSITY (ATHENS) & PRESIDENT OF THE INTERNATIONAL FEDERATION FOR HUMAN RIGHTS (FIDH)

The talk given by Prof. Christopoulos started from Leros, another Greek hotspot. Leros has an infamous history as an island of exile. From the 1950s, the island was used as a site for isolating and locking up groups of unwanted individuals. At the end of the civil war (1946-49), the children of the political refugees, communists and dissidents were sent here; 3000 children were sent to be re-educated in empty constructions dating from the Mussolini era. In the 1960s those seen as dangerous to the political regime were replaced by the mentally ill. Leros was to be turned into a psychiatric ward. Around 4000 people arrived. In the early 1970s,

*“dry Islands” is a term used to define the islands which were used as quarantines for those who are not welcomed.*

lands which were used as quarantines for those who are not welcomed. Christopoulos sees it as “Europe’s dirty secret”: how idyllic places chosen for leisure are used to play out the xenophobic sentiments of Europeans. Those sentiments manifest themselves in the externalisation of mi-

with the start of dictatorship, the island again received those who were considered dangerous. Finally, in 2016 the history of Leros as a place of detention repeated itself - this time the unwanted individuals were migrants.

“Dry island” is a term used to define the islands which were used as quarantines for those who are not welcomed. Christopoulos sees it as “Europe’s dirty secret”: how idyllic places chosen for leisure are used to play out the xenophobic sentiments of Europeans. Those sentiments manifest themselves in the externalisation of mi-



*Prof. Dimitris Christopoulos*

gration management, a template of which was created at the time of Italy-Libya agreements signed by Gaddafi and Berlusconi.

Seeking to distinguish between the feelings of fear and of phobia, he emphasised that phobia is a more pathological feeling, based on a perception of a threat rather than the threat itself. Consider, for example, the 27 refugees who were in Poland at the time of the elections in 2015, and how this handful of people affected and even became the main discourse in the pre-election debates.

It was becoming obvious that the rhetoric of crisis was instrumentalised and manipulative. One could talk about the crisis of livelihoods and not at all about the crisis of migration. One could also bring in the empirical argument about the consolidation of the far right and anti-migrant sentiments: radicalisation was arising in states that did not experience the hardships of the “crisis” (Sweden and Austria, among others).

# The Greek Ombudsman's Competence for the external Monitoring of the Return of Third-Country Nationals to their Country of Origin

## ADMINISTRATIVE CHALLENGES AND HUMAN RIGHTS ISSUES

GEORGE P. NIKOLOPOULOS, PROFESSOR OF CRIMINOLOGY, PANTEION UNIVERSITY, ATHENS AND DEPUTY OMBUDSMAN FOR HUMAN RIGHTS AT THE GREEK OMBUDSMAN'S OFFICE

Ombudsman is a concept known in Scandinavian law. The Ombudsman is elected by the parliament and fulfils mediating tasks between the government and the people. The Greek Ombudsman is supported by six deputies, which the Ombudsman announces. One of them is: George P. Nikolopoulos, Professor of Criminology at Panteion University Athens. He is the Deputy for Human Rights at the Greek Ombudsman's Office.

Present at the discussion was also special researcher Chzysa Xatzi, who is in charge of topics regarding migration. George Dafnis for the UNHCR Protection department gave additional comments on external monitoring. The discussion was chaired by Eleni Spathana, an expert on asylum and migration law.

Nikolopoulos introduced the work of the Greek Ombudsman, their competences for external monitoring of the return of third country nationals to their country of origin and the administrative challenges. He sees it as "deprivation" when populist movements become parties and the standard language of the system takes on the current tone.

Nikolopoulos believes that the extraordinary response of Greek society in welcoming people

during the first refugee flows in 2015 should be kept alive. And yet the policies in hand with the joint EU-Turkey statement tell another story. Turkey cannot be considered safe, if it is not even safe for its own nationals. Thus the solution cannot be to 'christen' a country as safe and send people back. Human rights are neither à la carte nor conditional. Prima facie the person is not treated as refugee but returnee. Since the Greek practice involves serious risks for a returnee, it should be regarded with concern, especially regarding vulnerability assessment and liberty as a fundamental right. Institutional discrimination against third country nationals is visible in Greece.

Nikolopoulos is sceptical about the possibility of a win-win solution, with a transparent procedure for forced return, a fair and feasible asylum system, respect for the non-refoulement rule and where Member States can follow their interests in ending the stay of illegal third country nationals. For Nikolopoulos, the only fair solution is to give forced returnees a sense of justice

by guaranteeing their dignity and fundamental rights. Therefore, he says, external monitoring by independent authorities and transparency of police operations is important. Since 2014 the Greek ombudsman has monitored the legality of police actions and had access to every facility

*Human rights are neither à la carte nor conditional.*

*Institutional discrimination against third country nationals is visible in Greece.*

and transit zone throughout the country. In an annual report to the parliament the Greek ombudsman highlights the problematic points and gives recommendations.

The UNHCR also has a supervisory role and under Greek law is allowed to access all facilities where applicants may be detained or reside, including Reception and Identification Centres, to ensure

*A lack of reception cannot justify detention. Detention should be the last resort and should not be used for minors at all.*

the accessibility of information about the rights of the applicants. The detaining of asylum seekers is seen as exceptional, even though in 2013 it used to be the core measure. Reasons for detention are very vague, such as offences against public security and order. Even

though the person in detention may challenge the decision, it might just not be effective due to a lack of information and of translators. Further, a person who cannot be sent back, despite their receiving a negative decision, should be released immediately. A lack of reception cannot justify detention, George Dafnis said. Detention should be the last resort and should not be used for minors at all.

The moderator reminded us that the main issue should be returning to normality. Asylum seekers are subject to serious restrictions linked to the return procedure, which is a scandal. After all, no European country is among the top ten

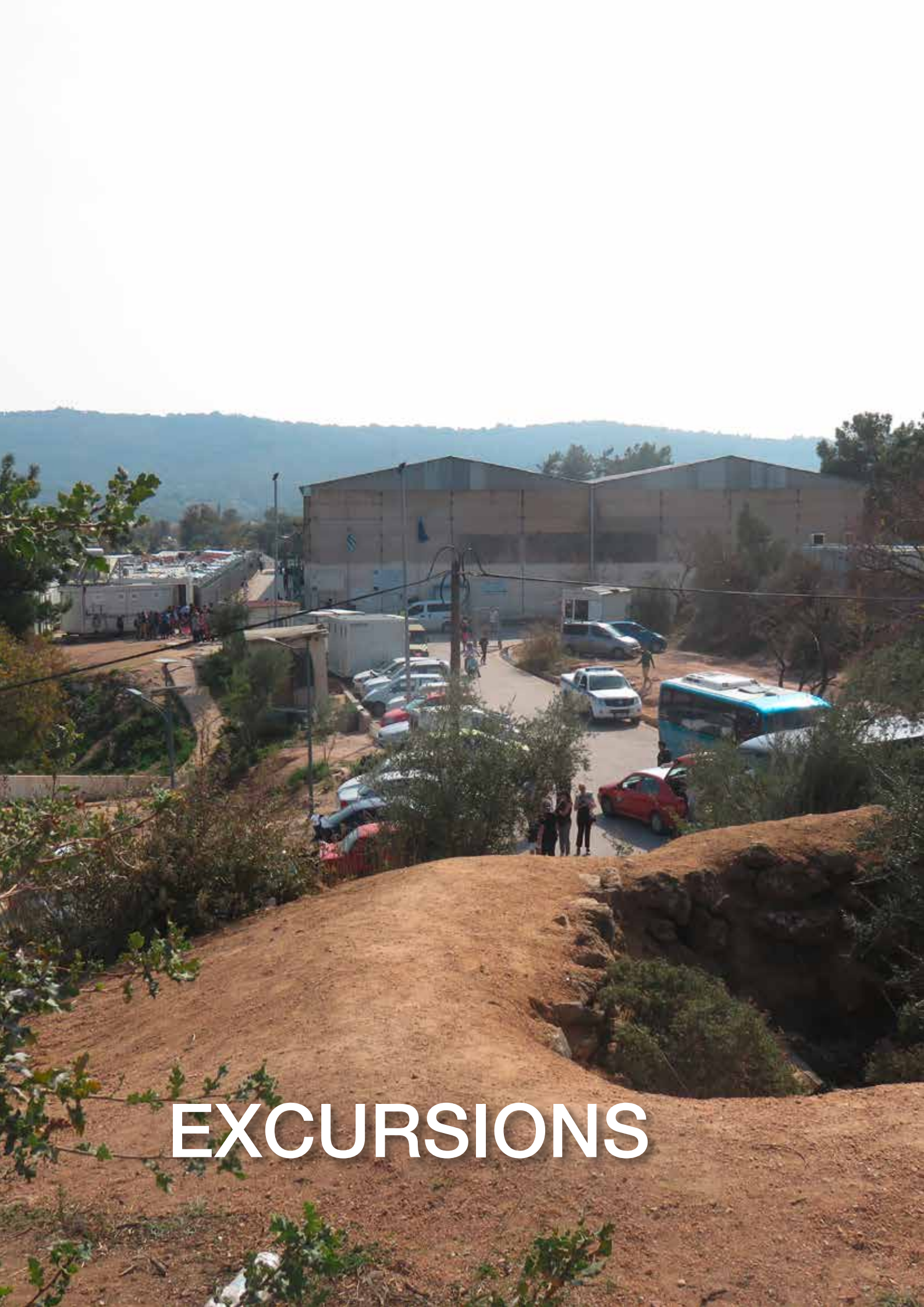
countries welcoming the most arrivals of asylum seekers worldwide.

Only one thing is left to say: regarding detention and its acceptance, the exception has become the rule, which should remind us of other times in our history. It is striking that the detention issue was the first proposal at the summit of the European Council in June 2018.



*George P. Nikolopoulos (the Greek Ombudsman), left, George Dafnis (UNHCR) and Eleni Spathana, right*





# EXCURSIONS

# Vial Refugee Camp, Chios

A group of 15 people had the opportunity to get an idea of the Vial hotspot itself. It had been communicated clearly before: 15, no more. All had to send their identification numbers in advance by mail, the police would check. The participants had been told the procedure in advance. Everyone had already heard a lot about camps and inhuman conditions. To have been there personally changes everything.

Ten kilometres away from the island's capital stands a long factory building in the dusty no man's land, surrounded by barren mountains and grey olive trees. We go by bus, our journey taking 20 minutes in dense traffic. The centre was converted for refugees and, if they are not lucky enough to get one of the much sought-

*Anyone who has moved into a metallic "container" with their family can count themselves lucky. Everyone else sleeps under suspended tarpaulins or in tents, often without a mattress or blanket.*

after but much too scarce bus tickets, this means: at least 1.5 hours on foot, there and back. Various organisations and authorities are accommodated in the elongated building: The Reception and Identification Service (RIS), the Greek Asylum Service (GAS), the European Asylum Support Office (EASO), the UNHCR, the EU border protection agency FRONTEX and others. In the adjacent second part of the building, garbage is compacted. When that happens, it stinks to high heaven. And nobody

usually lives right there - at least not when human rights prevail. On Chios it is different. Here the decision was taken to let the more than 2,000 men, women and children from Syria, Afghanistan or Iraq who are fleeing from Turkey to Europe 'live' in the stench right next to the garbage compactor - twice as many people as allegedly have room. Houses without homes. Anyone who has moved into a metallic 'container' with their family can count themselves lucky. Everyone else sleeps under suspended tarpaulins or in tents, often without a mattress or blanket.

The head of Reception and Identification Services (RIS) is responsible for accommodation and basic services. Mrs Vaso Danou welcomed us with the words, we could not enter the building today, only stay outside; inside all hell had broken loose. In the morning boats had arrived. As



*Sabine Schwimer and Maximilian Würdig, Bread for the World*



*Robert Nestler, Equal Rights Beyond Boarders*

if that wasn't the case every morning. She answered questions, was not very experienced in dealing with groups of people and easily irritable. Unfortunately, she could not answer questions, saying that the Greek Asylum Service was responsible for that issue, not RIS. Or: that is what EASO does. She could not give any information about pre-registration: the police and FRONTEX were in charge of that. But what could she give information about? At least about the accommodation: far too many, they were fighting against time to transfer people to the mainland. And about medical treatment: there are two military doctors at the moment. Two doctors from the Ministry of Health are there in principle, and only they are allowed to determine 'vulnerability'. But they are both ill for an unforeseeable period of time. So there are only two military doctors, in practice (and NGOs). She explains the concept of vulnerability in a complicated and misleading way, but it is simple: vulnerable persons are excluded from border procedures, they are not subject to the geographical restriction. The plan is also that they will be transferred from the hotspots as quickly as possible. In theory, people without a geographical restriction may leave the hotspot, but in practice they have no money





to buy a ferry ticket and settle on the mainland. They wait for the official transfer, of which there are very few. Our question to Mrs Danou was then: how many people live in the camp, although they have been declared vulnerable? At least half of them are considered vulnerable, that is the emphatic answer.

Afterwards we were allowed to look around the camp, but not to take photos. We were not supposed to talk to the people living in the camp, who told us about their daily hunger or about queuing for hours and that they urgently need a doctor. There is a total of three litres of water a day, also for families with small children, including for cooking. On the whole island the tap water is not drinkable. But in Vial it has recently been declared drinkable, for the refugees it is good enough. We ask our companions if they drink the water here: surprised, eyes wide open: "Of course not". They only drink water from plastic bottles.

Later we are allowed to enter the inside of the administrative complex and meet the regional head of the Greek Asylum Service. She has just taken over, her predecessor having got a new job at the European Commission, and she speaks little English. How communication with



EASO works remains a mystery. She answers brief questions, gives some insight into the procedure and has to get back to work. A little later, our taxis stir up the dust. We can leave at any time. The refugees have to stay.

## Schisto Refugee Camp, Athens

A bus takes us to the outskirts. 45 minutes away from the city centre in the industrial area is the Schisto Refugee Camp. There is no direct public transport to Athens. But every 15 minutes there is a bus to Pyreos, so far the only point of intersection with the local community. The Schisto Refugee Camp is one of 28 state-run temporary reception centres on the main-

land, and it is one of the biggest. Its total capacity is about 970, including 30 unaccompanied minors.

Most people are from Afghanistan, but there are also Syrians – mostly Kurds – and Iraqis. Dari, Farsi and Arabic are the languages most spoken around. Only a few speak English. The adminis-

tration is dependent on certified translators, who are in short supply for some languages.

Originally, the camp was established as a temporary transit camp. But some of the inhabitants have been living here for three years. On the paths outside the camp is scrawled “solidarity without borders”. The Schisto Refugee Camp might be an open camp, but it is still fenced off. Policemen are stationed outside. They do not go inside unless there is a given reason.

*A certain area is reserved for unaccompanied minors, where at least two care-givers are available for them round the clock. In general, there is not much solidarity among the residents.*

Entering the camp, we see a small building for the guards on the right, a little green lawn on our left, then a small basketball field. And rows of prefabricated buildings elsewhere, row after row. The only stone building is between them, straight ahead: the headquarters. Here in this

plain building the administration is located, cash cards for food are distributed and a doctor is available in the morning – at least five days a week. The warden, who has been working at the camp for two years, tells us that it is possible, in theory, to see the doctor the very same day. According to the inhabitants, the medical assistance is insufficient in practice.

Among some NGOs such as the Danish Refugee Council, two employees of the Ministry of Education are based on the camp grounds. They deal with the educational needs. At the camp there is a small library and a meeting room for the young people and children. Children under five can attend the kindergarten at the camp area. There is a colourful metal ‘container’ in the grounds. Words as love, equality, freedom, peace are an ornament to it. This is the camp’s school. But this year, for the first time, children of school age who passed a Greek test may go to a school in the area with the local children. Non-formal education is provided for children whose Greek is not sufficient, but is not mandatory and more of an introduction and addition.

There are two accommodation buildings with a toilet accessible for people with disabilities. But in principle people live in prefabs: one air-conditioned housing unit contains three bedrooms and a kitchen. It may be occupied by three dif-



ferent parties, but never three different families. The management tries to keep families together and to not split them up. So up to seven family members can live in one unit. The mattresses are provided by the camp, along with one set of towels, not more; the kitchen utensils are donations.

There is a tea room/meeting room each for men, women and youngsters. But only the men’s tea room is run by a self-reliant committee. Nationalities, families and single persons were mixed on purpose, for two reasons - to avoid forming ghettos and to speed up integration. A certain area is reserved for unaccompanied minors, where at least two care-givers are available for them round the clock. In general, there is not much solidarity among the residents.

# Eleonas Refugee Camp, Athens

Nationality breakdown		in percentage
Afghanistan		37%
Syrian Arab Republic		31%
Iran, Islamic Republic of		9%
Iraq		7%
Other		16%
Male	Female	Minors
43%	23%	34%

*A group of 14 people visited the Eleonas Camp in downtown Athens  
Statistics for August-September 2018:<sup>3</sup>*

The Eleonas Refugee Camp is run by the government and supervised by the Greek Migration Ministry. It opened in August 2015 as a transit camp for people stranded in the streets and squares of Athens, mostly Afghans, who were not able to go on to northern Europe. It was the first camp opening on the Greek mainland and the place was provided by the municipality. Due to its proximity to the city centre, infrastructure in the neighbourhood is adequate. Basic necessities in terms of security, housing and medical attention are provided by the Greek authorities and some of the large NGOs. One is the NGO Elea<sup>4</sup> Security, which is present round the clock

<sup>3</sup> Site Profile August-September 2018, Eleonas  
<https://data2.unhcr.org/ar/documents/download/66038>.

<sup>4</sup> <https://projectelea.org/about-us/>. The Elea Project team is attempting to cover dramatic needs, which can be found in detail under Current Actions.

and police are stationed outside the camp. Residents are free to enter and exit the camp any time. The accommodation units are metallic containers with bathrooms and kitchens inside. Legal aid is provided by the UNHCR; however, no information was given about how often and when the UNHCR is present on the camp site.

Currently, 1470 people live in the Eleonas Camp. Its capacity varies depending on the need for space. Official capacity: 700 (14 September 2018). A primary school and kindergarten are situated inside the camp. Children from the age of six start their education outside the camp in regular schools. More than 60% of the children participate in formal education.

Medical staff (dental and generic) is present on the camp site from 9 to 18 hours, Monday to Friday. No food is distributed; residents have kitchens inside their quarters and prepare their own food. They receive a UN Cash Card worth €150 per month per adult. While the housing units can be locked from the inside, no safe space exists, and no formal complaint mechanism is in place. Social support and a psychology service is available from time to time.

The camp manager did not have time to show us around, but two employees of the municipality did so, while attending an unemployment programme of the ministry.

# Imagine Centre, Chios

On Chios, a few community centres offer support for those stranded in dire conditions on the island. One of those community centres is Imagine Centre. Tamar Dressler from the Centre showed us around and explained the concept. Imagine Centre organises different kinds of ac-

tivities and services - from language lessons, which are a big part of the activity, to providing food, medical care, legal aid and even self-defence courses. There are creative workshops as well. In Imagine Centre, people are not called refugees or migrants, they are called and seen



as pupils. Tamar Dressler emphasises that they want their pupils to feel responsible for the centre, to participate in cooking and housekeeping as way of gaining a sense of autonomy and ownership.

*In Imagine Center, people are not called refugees or migrants, they are called and seen as pupils.*

Imagine Centre, like other centres, fills a gap that the Greek government and the European Union do not address. One example is the food provision for rejected asylum seekers – the state does not offer this, even if people are not going to be returned soon (the number of returns from Greece is quite low). Tamar Dressler strongly emphasised the rules that apply in Imagine Centre: e.g. no alcohol consumption, or a dress code. It seems important to the centre to keep the place regulated – maybe as a counterpart to the chaotic and inhumane situation in the camp. Tamar Dressler said that her being strict enables

the staff and the volunteers to be friendly, and she wants to give them back-up. The Centre – like many such initiatives – needs donations in order to keep the place going. The centre is run by an Israeli NGO and Tamar Dressler is also from Israel. When asked whether this ever creates problems when working with a lot of Arab asylum seekers, she seems to be confronted with a question she is used to answering. And she stays quite calm: for sure there are discussions; however, when humans come together a lot of prejudice can be overcome.

After the visit to Imagine Centre the group goes to the Vial hotspot to see it - at least from the outside. Only one group of no more than 15 people is allowed to see the camp from inside. But seeing it from outside is shocking enough, keeping in mind that this inhumane camp is set up under the EU flag and as a model for European asylum policy.

## Eastern Shore Response Team – Warehouse, Chios

Tula, who runs the warehouse, welcomes us with a big smile. It all started three years ago, when she was woken up by the noise of a stranded boat. Among many, she naturally provided first aid and shelter.

Three years later her initiative grew into the Eastern Shore Response Team and a warehouse, and finally to an NGO this April. Two years ago she reached out for volunteers for the first time.

Since then she has worked with 2000 volunteers from all over the world. By now the Eastern Shore Response Team is one of the few NGOs that are still on Chios. Most of the other NGOs have left.

At first sight, the warehouse looks well organised and clean; it has just received a donation from Scotland. While Tula talks about the Eastern Shore Response Team and its story, she

gets a call. It is from the Vial Refugee Camp. Meanwhile, the warehouse has grown into a counterpart for Vial, as a constant clothes provider – even though they never get invited to sit at the table to discuss the future, the needs of the camp. In all those years nothing has really changed. The situation is as precarious as ever, she says.

The Eastern Shore Response Team clean the shore after a landing. The plastic remnants go to an organisation that produces bags in order to raise donations. They provide clothes for the people living in Vial Refugee Camp. At the request of the refugees, they also provide English courses close to the camp. But their core project remains the welcoming after a landing.

*People arrive at any time of the day or night. And if the Eastern Shore Response team were not the first ones on the spot, nobody could be sure they would get at least dry clothes before they went to the camp.*

Tula and her volunteers cover many needs. It's a full time job they do on the side. There is no payment. There is no recognition - by the mayor. Tula looks tired. Her facial expressions show her lack of understanding for the municipality. She stresses that it is neither about the recognition, nor about the publicity. But it is the workload, and she worries about the future of the Eastern Shore Response Team. On what basis it can run in the future and how long this warehouse can last?

Her volunteers arrive. They tidy up the warehouse and have a break. Tula looks at them with a caring expression and tells us that at times they only had ten volunteers. Rough times of sleep deprivation when they were too few to work in shifts. Then nobody gets a good rest, because they need to be prepared for the next landing, prepared to welcome the newcomers. Nobody knows when the next boat will arrive. People arrive at any time of the day or night. And if the Eastern Shore Response Team were

*By now the Eastern Shore Response Team is one of the few NGOs that are still on Chios. Most of the other NGOs have left.*

not the first ones on the spot, nobody could be sure they would get at least dry clothes before they went to the camp, which Tula calls the small Moria. No, it is not about the publicity. It's about the people.



*Tula is representing her Warehouse NGO and The Eastern Shore Response Team*



*participants of the conference*

This very morning a boat landed, with 35 to 40 people on it. They were from Palestine, Iraq, Kuwait and Syria. Among them families and persons travelling alone. Tula reads a text she got from the first aid team: "We could provide water, food, clothes and a smile."

# Women's Centre, Chios

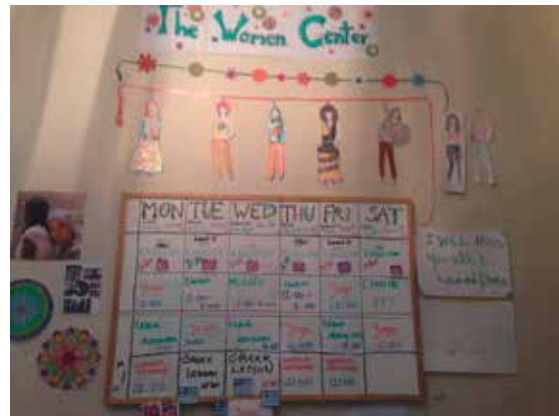
The Athena centre for women was founded in 2016 by the Swiss organisation Action for Women. It is based on the organisation's three pillars of safety, support and hope. It offers women education, information, social psychological and legal support and a safe space to speak up about gender-based violence.

The centre is based in the city centre of Chios, around 7 km from the Vial camp. Everything within the centre focuses on improving the mental and physical well-being of female refugees. It takes a collaborative approach, drawing up the Centre's schedule so that it reflects the women's feedback and wishes. Since it opened, the centre has been able to offer English, German, French and Greek classes, as well as Zumba, yoga, art therapy and self-defence. The centre has hosted experts leading seminars on topics such as sexual health, contraception, feminine hygiene and safety. There is a room where women can socialise, knit, play music and form connections over simple refreshments. A kitchen allows women to cook and enjoy meals together on special occasions, such as breaking the fast during Ramadan. The centre also offers access to a private shower and a small office for personal conversations, and legal or psychological support.

*It is based on the organisation's three pillars of safety, support and hope. It offers women education, information, social psychological and legal support and a safe space to speak up about gender-based violence.*

We meet with Markella, the coordinator of the project on site, who tells us about the centre and the work they are doing. We are able to visit the centre and to learn about the different projects, the costs and the efforts to keep the centre running.

The centre has its own bus to pick up the women from the camp and take them back in the evening. This service is of great importance due to the difficulties arising, especially for women, when they want to get a place in the public UNHCR bus from the camp to the city centre. Sexual harassment and physical and psychological violence is omnipresent.



The centre hosts on average twenty women per day, who have to sign up ahead. During the day in the women centre, the women can decide whether they want to go to the city centre or if they want to participate in the different classes or programmes provided at the centre. They

can also sign up for a legal appointment with the NGO Equal Rights Beyond Borders, which comes to the centre two days a week and cooperates closely with it. During our visit, we had the opportunity to ask questions about the centre and the daily challenges and valuable moments.

## Greek asylum Service and Dublin Unit, Athens

With a group of participants that were interested in the asylum procedures in Greece, we visited the headquarters of the Greek Asylum Service (GAS) and also had an opportunity to talk to the head of service Markus Karavias, and employees of the Dublin Unit. A meeting was planned with the head of the Dublin Unit, Iza Papailou, who unfortunately had to cancel at short notice for personal reasons.

The new Greek Asylum Service started operations in 2013. Previously, the police was entrusted with conducting asylum procedures. Those who alight at the Katehaki metro station and walk the few steps to the main entrance

of the Asylum Service headquarters, which is protected by barbed wire, get the impression that the Asylum Service is much older. This certainly applies to the buildings in which it is accommodated. After an endless security check we are shown the whole temporary arrangement of

*The EU-Turkey deal is not working as planned because there are hardly any readmissions and the islands are overburdened with that.*

the overburdened authority. We are led along a beaten sandy path past empty houses to the only fixed one, the main building. Most people work in metallic containers, including the Dublin Unit. They affectionately call theirs the “country house”, as it is located outside the main building.

Markus Karavias welcomed us right away. He is friendly, but determined. He talks fast and a lot, initially wanting to conduct the conversation in excellent German. However, our delegation is international and he changes smoothly into Eng-



Markus Karavias, Director of the Greek Asylum Service



lish. He is used to being confronted with critical questions and gives eloquent but evasively long answers. He reported on his past in the Netherlands, where he worked for non-governmental organisations. He did not say it explicitly at any point, but it resonates: he sees Greece confronted with a situation and demands that it cannot meet. The EU-Turkey deal is not working as planned because there are hardly any readmissions and the islands are overburdened with that. For every person who is transferred to the Greek mainland, there are several people coming from the Turkish side. Someone asked whether he understands this transfer of people

to the mainland as a pull factor. He did not mean that explicitly, he said. The questioner did not let up: Should the authorities stop transferring people so that the humiliating, inhuman conditions in the Moria Hotspot on Lesbos, for example, would be maintained and used as a deterrent so that more would not come? No, Markus Karavias replied, they are working hard on trying to keep the conditions as good as possible. We were tempted to believe him, but having just come from a visit to Vial, we either cannot really imagine it, or the question arises: is the hotspot concept in connection with the EU-Turkey deal doomed to fail and impossible to implement in a way that does not violate human rights? Markus Karavias reflected briefly and then gave an evasive answer. He did not seem to really believe it. He already has to go, he said, his diary is “crazy”. Because the head of the Dublin Unit was unfortunately indisposed, he assured us that he would send employees from the Dublin Unit, who arrived shortly afterwards.

Members of the group had previously dealt with issues of family reunification under the Dublin III Regulation. The staff members who answered the questions deal with it every day and made a frustrated impression. 12 of them sent almost

10,000 take-charge requests last year, almost 850 each. Germany rejected 68 percent of them in 2018, so practice has clearly tightened up. Almost every rejection means a re-examination. And even more work. The employees report the Germans’ lack of willingness to cooperate. They sent page-long take-charge requests and received a one-line reply: rejected, no translation. If the translation is submitted later, a new reason is given for refusal: they doubt that the family member can really take on the care. These chain rejections violate the purpose of the Dublin III Regulation to determine the responsible Member State as quickly as possible and are clearly unlawful. They are extremely frustrating for the committed staff of the Dublin Unit. For asylum seekers they mean even longer procedures.

After the staff had patiently answered further questions, they took us to their “country house”, two stacked prefab units, at least six people per office. By chance we met the liaison officer of Germany’s Federal Office for Migration and Refugees, who was supposed to improve the cooperation between the German and Greek Dublin Units. After a short conversation he had to return to his office, which was not in the prefab, but in the main building.

## UNHCR Country Office, Athens

### HUMANITARIAN SITUATION

Philippe Leclerc, a representative of UNHCR Greece, introduced the humanitarian situation in Greece. In September alone, sea arrivals peaked at 4,000 people. Land arrivals through Evros also increased to 1,400 in September. Some of the mainland camps are overcrowded while the situation is worse in island “hotspots”, especially those of Samos and Lesbos. For children and other vulnerable people, in particular, the dire conditions can have serious consequences like health problems, safety and protection.

*Some of the mainland camps are overcrowded while the situation is worse in island “hotspots”, especially those of Samos and Lesbos.*

### DEVELOPMENTS

More than one million refugees and migrants arrived in Greece in 2015 and early 2016. The number of arrivals decreased after the Balkan border was closed in February 2016 and the EU-Turkey Statement was agreed in March to stop the arrivals of migrants into Greece. The arrivals began increasing again from the second half of 2017, when the government began taking over full responsibility for Greece’s refugee response. In May 2018 the number of refugees and migrants in Greece stood at more than 60,000, including about 14,000 on the islands. In the phase after the emergency, the UNHCR began focusing again on protection, which had been important before 2015/2016. At the moment there are 17,600 people on the islands and 47,300 on the mainland (September 2018).



## ROLE OF UNHCR

UNHCR works with the Greek government, local government and non-governmental organisations to provide housing and support through prepaid cards for refugees and asylum seekers in Greece under the Emergency Support to Integration and Accommodation (ESTIA), funded by the European Union's Civil Protection and Humanitarian Aid.

*The conditions in the Reception and Identification Centres in the islands are miserable. As winter approaches and more people reach the islands, time is critical and urgent action is needed.*

Leclerc highlighted that the Greek authorities should take emergency measures to address the humanitarian situation of around 11,000 asylum seekers on the islands of Samos and Lesbos, but also in the other "hot-spots" in Greece. The conditions in the Reception and Identification Centres in the islands are miserable. As winter approaches and more people reach the islands, time is critical and urgent action is needed.

## RESPONSIBILITY OF THE EU

Further, there was discussion of how existing funds from the EU have been used and whether they are used as they should be. After allegations of the potential misuse of EU funds, the European Anti-Fraud Office (OLAF) is investigating how money that was meant for refugees has

been spent. Criticism is raised that even with EU funding the situation has remained the same for almost three years. Why haven't there been any improvements of the situation on the islands? Since the hotspot approach is an EU idea, participants discussed the EU's responsibility for its own affairs.

## OUTLOOK

Leclerc emphasised that efforts to substantially improve the conditions and reduce severe overcrowding on the two islands should be a priority for any governmental entity involved in the refugee response. There is an urgent need to move people to better accommodation and to speed up inland transport for the more than 4,000 people already registered.

The suggestion comes that some of the winning political parties in Europe are not willing to find a solidarity-based solution. This policy issue of the rise in right-wing parties and their growing influence on the continent of Europe has also been discussed at the UNHCR level. There should be a responsibility-sharing mechanism. The crisis is more a crisis of administration than a crisis of too many people arriving. The other EU Member States only put tremendous pressure on Greece for not implementing the EU-Turkey Statement well enough because the number of readmissions is, relatively speaking, not very high. Instead of blaming other Member States there should be solidarity in dealing with the whole situation.

*The crisis is more a crisis of administration than a crisis of too many people arriving.*

# Refugee Initiatives of the Greek Orthodox Church, Athens

As in many places over Europe, churches and faith-based organisations play a huge role in receiving, accommodating and supporting asylum seekers and migrants on their arrival. Thus some

of the conference participants got the chance to visit refugee initiatives of the Greek Orthodox Church and the Evangelical Church in Athens.



### THE ECUMENICAL REFUGEE PROGRAM OF THE CHURCH OF GREECE

A delegation of participants visited one of the offices of the Integration Centre for Working Migrants-Ecumenical Refugee Program/KSPM-

ERP, a non-profit organisation of the Church of Greece which in 2012 succeeded the KSPM (Integration Centre for Returning Migrants). Antonios Papantoniou, who founded KSPM, is the Honorary President of CCME. The Ecumenical Refugee Service is one of the oldest services in Greece, providing legal assistance to asylum seekers and refugees through field work. The lawyers and social workers of KSPM-ERP had the chance to inform the delegates about the scope and the progress of the projects of legal and psycho-social support services to vulnerable cases currently implemented by ERP. They further presented case studies so as to emphasise the challenges and restraints the people in refugee-like situations face today in Greece. The visit

gave the Conference participants a deeper insight into the difficulties of providing legal advice for eligible asylum seekers who found themselves undocumented before being able to have access to the asylum procedures.

*With every activity the church employees and volunteers understand they are a companion for a limited time as they know that many refugees want to move on and will not stay. Such indispensable work would not be possible without solidarity from other European churches.*



### PROJECTS RUN BY THE EVANGELICAL CHURCH IN GREECE

The Evangelical Church runs an accommodation centre for unaccompanied minors, a community house and a learning centre, where young refugees meet students from the Technical University to learn crafts. The aim is to gain self-confidence and thereby develop strategies to tackle their lives. Moreover, the Evangelical Church provides an "integration house", where families of refugees and families of church employees live together.

With every activity the church employees and volunteers understand they are a companion for a limited time as they know that many refugees want to move on and will not stay.

Such indispensable work would not be possible without solidarity from other European churches.

# THE ROLE OF EU AND MEMBER STATES



# The Role of FRONTEX as European Agency in the Aegean

MAGDALENA SILSKA, ADVISER TO THE FUNDAMENTAL RIGHTS OFFICE (FRONTEX HEADQUARTERS WARSAW)

Magdalena Silska, Adviser to the Fundamental Rights Office, gave an insightful presentation on the question of Fundamental Rights within FRONTEX.

Defining fundamental rights has two dimensions: first, it is about the minimum standards set to ensure that a person is treated with dignity and, second, it is about the universal legal guarantees belonging to all human beings. In principle, fundamental rights share their content with human rights; it is the legal framework that differs. Whereas fundamental rights exist within the constitutional context, human rights are placed within international law. Since fundamental rights are an integral part of border management, it is the duty of FRONTEX to guarantee their protection.

Then Silska described the tasks of an officer in the newly established Fundamental Rights department. Those include: monitoring the joint operations and pilot projects, identifying preventive and corrective measures, recording and following up on serious incident reports on fundamental rights violations, setting up individual complaints mechanisms and review case admissibility, and finally, assisting in the development and implementation of FRONTEX fundamental rights strategy.

Fundamental rights in the sea border context primarily mean two things: the key right at sea



*Magdalena Silska, FRONTEX*

– the right to life - and the guarantees undertaken to prevent non-refoulement. In this case the person would be referred to the procedure of international protection (appropriate assistance would be identified, information about rights given, and the responsible national authorities would be called on to take responsibility for the case).

The operational activities carried out by FRONTEX exceed those of fundamental rights and include risk analysis (both the challenges at the border and protection of vulnerable groups), providing initial information to persons who are in need of or wish to apply for international protection, and cooperation with third countries.



*Katrin Hatzinger (EKD Brussels), left and Magdalena Silska (FRONTEX), right*

# The EU-Turkey Statement and the Greek Hot Spots

## A FAILED EUROPEAN PILOT PROJECT IN REFUGEE POLICY

YIOTA MASSOURIDOU AND EVI KYPRIOTI, ASYLUM MIGRATION LAWYERS IN GREECE | INTERVENTION DR. ELENI KOUTSOURAKI, LAWYER GREEK COUNCIL FOR REFUGEES | MODERATION: DIMITROS ANGELIDIS



*Evi Kyprioti, left, Yiota Massouridou, middle, Dr. Eleni Koutsouraki, right*

In her introduction, lawyer Yiota Massouridou said that the EU-Turkey agreement, which has applied since 20 March 2016 on the Aegean islands in Greece, had created a new episode. She showed that the role of the statement is a caesura in applicable asylum law to date. Instead of providing more secure and legal ways for people to enter the EU, the agreement has a clear goal: to minimise the number of people arriving

*Instead of providing more secure and legal ways for people to enter the EU, the agreement has a clear goal: to minimise the number of people arriving in Europe.*

*The decisions are taken in Brussels but are implemented in the hotspots.*

in Europe. From Massouridou's point of view, the statement has created more problems than it has solved. She criticised that the decisions are taken in Brussels but are implemented in the hotspots. In particular, it is a political application concept and not a legal one. In fact, the hotspot project is beyond the law. It starts with applicability. The deal is only applicable to the islands in the East Aegean. There is no objective justification for the unequal treatment of different regions. And the resulting geographical restriction is therefore unlawful. There is no legal basis for an EU hotspot except from the FRONTEX regulation. Therefore the authorities are acting in a legal grey area. According to Massouridou, FRONTEX and EASO have no official mandate to implement funds around the goals of the EU-Turkey deal. They are thereby acting *ultra vires*. From her point of view, the problem is not Greece but the policy of deterrence and the legal

grey areas. Instead of 'burden sharing', hotspot procedures result in 'burden dumping' on Member States at the external EU borders, such as Greece, and third countries such as Turkey.

Evi Kyprioti gave an overview of the procedure after the EU-Turkey statement came into force in March 2016. The safe third country concept has been applied to those arriving on the Greek islands. This admissibility procedure provides for a decision as to whether the applicant can file an application for international protection within the EU or is to be deported to the supposedly safe third country Turkey.

Furthermore, people are often falsely registered and assessed during the proceedings. Since the information about the nationality or if a person is vulnerable determines which procedure is applicable for him or her, the registration remains a main feature of the procedure. Correcting a wrong registration is difficult and often does not take place in the first instance of the decision, so that this problem is often only clarified during the appeals procedure. Therefore, the person concerned – for example, an unidentified vulnerable person – is at risk of being deported back to Turkey but in fact should be given protection due to his or her

*Instead of "burden sharing", hotspot procedures result in "burden dumping" on Member States at the external EU borders, such as Greece, and third countries such as Turkey.*

vulnerability. This person should not be subject to the border procedure. Kyrioti stressed that persons seeking protection have become objects of deportation.

Dr Eleni Koutsouraki introduced the legal difficulties with the current appeals decisions made regarding the question of whether Turkey is a safe third country or not. There is, in particular, no transparency on the statistical outcome of the procedure. She also highlights the

Supreme Administrative Court of Greece “Council of State” (CoS) decision where the court ruled on 22 September 2017 that Turkey is a “safe third country” in two cases of Syrian refugees

seeking international protection in the Eastern Aegean islands after coming from Turkey. They moved to the CoS following a negative decision by the Greek Asylum Authority. The question of the interpretation of Article 38 Asylum Procedures Directive could have been submitted to the Court of Justice of the European Union for review in a preliminary ruling procedure (Art. 267 of the Treaty on the Functioning of the European Union). The CoS concluded with a majority of 13 to 12 judges that there is no obvious or valid doubt regarding the correct application of EU law. Both Koutsouraki and Massouridou emphasised that they do not know whether there would be another chance for a preliminary ruling in this constellation soon. The question of the interpretation of “safe third country” is therefore not answered for the time being.

*There is no objective justification for the unequal treatment of different regions.*

## Dublin System – Family Reunification from Greece to other EU Countries

ELENA PANTOPOULOU, ECUMENICAL REFUGEE PROGRAMME OF THE CHURCH OF GREECE | PENY MYLONA, DANISH REFUGEE COUNCIL | THANIE STATHOPOULOU, SAFE PASSAGE | ILIANA BOMPOU, SOLIDARITY NOW | VINZENT VOGT, REFUGEE LAW CLINICS ABROAD | MODERATION: VALIA GKEKA, UNHCR GREECE

### **VALIA GKEKA, LAWYER, UNHCR (GREECE) PROTECTION OFFICER**

Family reunification is a fundamental aspect of bringing normality back to the lives of persons who have fled persecution or serious harm and have lost family during forced displacement and flight. Based on its mandate to provide international protection to refugees, the UNHCR promotes the unity of the family, and advocates for family reunification mechanisms which are swift and efficient in order to bring families back together as early as possible. In the EU context and in light of efforts undertaken by Member

States to establish a Common European Asylum System, family reunification provisions under Dublin Regulation III seek to ensure that family members are reunited and their asylum claims are examined by one Member State. Dublin Regulation III seeks to enhance the protection of asylum seekers during the process of establishing the country responsible for examining the application, inter alia, by extending the concept of the family.

More than 65,000 persons in need of international protection are stranded in Greece (including persons who remain in the islands), while hundreds of others who continue to arrive in the islands tend to apply for asylum including family reunification. In this situation, improving protection mechanisms including provision of individualised legal information and assistance, quality of services and synergies at state level involving UNHCR and non-governmental stakeholders, will be crucial for addressing new challenges. Gkeka highlighted the great cooperation between UNHCR and the Ecumenical Refugee Programme (ERP) during the last seven years during the im-



plementation of UNHCR funded family reunification projects and addressed special thanks to Efthalia Pappa. She was the coordinator of six annual projects on family reunion and - together with the specialized legal staff of the projects – has managed to assist people to join their family members in EU receiving countries in thousands of cases during the last few years.

**ELENA PANTOPOULOU, LAWYER  
(ECUMENICAL REFUGEE PROGRAMME  
OF THE CHURCH OF GREECE)**

In theory, there are two distinct concepts of solidarity: state-centred and individual-centred. In EU law we find the usual application of a state-centred approach, however, the family reunification procedures constitute an exemption from this, involving approaches that focus mainly on the family conditions of each individual. In the last two years, official practices in family reunification procedures have gradually transformed this exemption, leading it systematically to the state-centred concept.

*More than 65.000 persons in need of internal protection are stranded in Greece (including persons who remain in the islands), while hundreds of others who continue to arrive in the islands tried to apply for asylum including family reunification.*

A very good example of this policy transformation is the Greek case. Before 2017 there were few rejections of reunifications (2016: 479). Since then the number of rejections has massively increased (1,568 in the first half of 2018). The reasons for rejections: a narrow definition of family, of dependency, identification of minors, extra administrative requirements, definition of legal presence. Results: administrative delays, people staying for long periods in camps, remaining separated. By national laws and policies, Greece has even hindered the humanitarian aspects of family reunification for the asylum

seekers in the country. A very good example of this internal practice was the fact that, during the crucial period of massive rejections, the internal law did not even explicitly exempt family reunification seekers arriving in the islands from the application of the EU-Turkey deal and its procedural consequences.

Therefore, the prevailing state-centred solidarity concept in EU law creates a “bubble” effect on policies within the countries, which influences even such solidarity concepts as the unity of the family.

**PENY MYLONA, LAWYER (DANISH  
REFUGEE COUNCIL)**

Ms Mylona gave an overview of the main criteria for family reunification and take-charge requests according to the Dublin III Regulation. Administrative delays and registration on the islands cause a lot of issues concerning the three-month deadline of the take-charge request, which result in violating and/or ignoring the principle of family unity and the child’s best interest. Moreover, the discretionary clause (Art. 17 Dublin III Regulation) is used differently by the Member States resulting in keeping nuclear families apart. Is litigation the only way to end family separation?

**THANIE STATHOPOULOU, LAWYER,  
(SAFE PASSAGE)**

Unaccompanied children in the Dublin III family reunification process: best interest of the child and respect for family life (according to international legal framework CFR, ECHR, CRC) have to be the guiding principles when applying the Dublin Regulation. The Dublin III Regulation needs to be interpreted in accordance with the case law of the Court of Justice of the European Union (ECJ) and the European Court of Human Rights and be equally binding throughout the application of the Regulation. Art. 6 Dublin III Regulation foresees guarantees for children (analysis).

According to two case studies presented: unnecessary long delays by receiving States in examining the case during the re-examination stage related to high evidential standards or to a misapplication of the Dublin III. Long delays were noted, even if the case was well-substantiated (e.g. ten months from the re-examination request until final acceptance in a case involving a very vulnerable child). According to the Implementing Regulation the receiving State should answer within two weeks and the requirement of proof should not exceed what is necessary for the application of the Regulation

As underlined in the ECJ decision, *M.A. and others*, 6/6/2013, para. 55): due to the particular vulnerability of unaccompanied minors it is important not to prolong the procedure more than is strictly necessary. This is often not respected in practice as the two case studies highlighted.

**ILIANA BOMPOU, LAWYER (REFUGEE LEGAL SUPPORT, ATHENS SOLIDARITY NOW)**

*Presented Art. 16 of the Dublin III Regulation:*

Determining dependency as a binding criterion for responsibility: for reunification to take place on the basis of “dependency” several preconditions need to be met, e.g. a person must be legally present in the Member State, willing and able to take care of the dependent person, etc.

Situations of dependency can be assessed on basis of objective criteria such as medical certificates. Even if the dependency is clear, the necessity and appropriateness of reunification need to be proven (e.g. reasons for separation and separate times of arrival in Europe must be transparent).

- Case study (2017) – grandson and grandmother in Greece wishing reunion with X., uncle of the minor and adult son of the woman respectively- easier for an unaccompanied minor to be reunited with uncle A than for elderly mother with her adult son A = several pieces of evidence, especially after another child of the mother turned up (but who was incapable of taking care of her).

Issues that arise in the hotspots relating to Article 16 Dublin III Regulation: in hotspots, cases that would fall under Article 16 Dublin III Regulation are not identified properly and therefore the three-month deadline is not met. If it has been missed, Article 17.2 Dublin III Regulation is the only way for reunification – but depends on the discretion of the Member State.



*Vinzent Vogt (Equal Rights Beyond Borders), left, Katharina Stamm (Diakonie Deutschland), middle and Aleksandra Nikolara (Perichoresis), right*

**VINZENT VOGT (REFUGEE LAW CLINICS ABROAD, now “Equal Rights Beyond Borders”)**

Vogt presents the German case and how German administration creates high and partly unlawful obstacles for the family unity. The acceptance rate for take-charge requests based on family unity provisions from Greece to Germany dramatically decreased in 2018 compared to 2017. In 2017 more than 90% of the requests were accepted, in 2018 only about 40%.



In 2017 the number transfers was capped, but with a new administrative agreement from August 2018, the transfers were finally accelerated again. However, in 2018 high administrative burdens were introduced by the German side



*Rev. Christian Krieger (Conference of European Churches)*



instead: requesting translation of all documents, rejections based on time limits, e.g. 3 weeks for re-examination according to Article 5.2 Implementing Regulation (EC 1560/2003), as well as completely redundant requests e.g. photos of the respective applicants. 'Holding letters'

are not accepted any longer and discretionary clauses are accepted less and less.

These new challenges should be addressed together by transnational advocacy and litigation for the right to family life in the Dublin system!

## The Reform of the CEAS – Overview and State of Play in the EU and Solutions for overcoming the Deadlock

Catherine Woollard, Secretary General of the European Council on Refugees and Exiles (ECRE) presented on the reform of the Common European Asylum System. The discussion was moderated by Erika Kalantzi, National Coordinator in Greece for the Elena Network.

Woollard gave an overview of the state of play in the EU and put forward solutions for overcoming the deadlock. Not an easy topic. The presentation by the head of ECRE is, however, not only extremely well structured but also includes some innovative proposals.

Working in the field of refugee law and protection has not always been as difficult as now - this was how she started her presentation. The seven proposals of the European Commission of 2016 covered the major aspects of the Common European Asylum System (CEAS). The objectives of the reform package as presented on paper

– creating a human and efficient asylum policy while achieving more convergence and harmonisation, as well as prevention of secondary movement within the EU – do not withstand a closer look by ECRE. Re-nationalisation of decision-making in EU asylum law, and a sense of panic and fear in the context of the reform package stand against the objectives presented on paper. It is true that the still relatively low numbers of people seeking protection in the EU arose during 2015 and 2016. However, the crisis is not due to the numbers of arrivals but due to the underlying dysfunction of the CEAS. Did the reform proposals address these dysfunctions? According to Woollard, no.

*The main example of externalisation in the sense of shifting responsibility to third states outside the EU is the EU-Turkey Deal.*



Catherine Woollard, Secretary General of ECRE



Erika Kalantzi (Elena Network)

ECRE has analysed the Commission's reform proposals in detail and has come to the conclusion: they were the wrong proposals at the wrong time. The proposals did not address the main dysfunctionality of the CEAS which is the Dublin allocation system, the centrality of the first-country-of-arrival criterion. On the contrary, the Commission's proposals reinforce the disproportionate pressure on the countries of first arrival – even though the first country criterion was one of the main reasons for the crisis of the CEAS in 2015, according to Woollard. The crisis was mainly a reception crisis, she states, referring to the judgement of the ECHR in the case of M.S.S., which was hinting already in this direction. The perverse incentive created by the Dublin system in conjunction with the fundamental rights guarantees is that the worse the reception conditions are in one Member State, the more likely it is that people will not be returned to that Member State, which is perceived as advantage in a society understanding refugees as a problem in the first place. In short, the Commission's reform package was an attempt to codify externalisation, Woollard stated. The main example of externalisation in the sense of shifting responsibility to third states outside the EU is the EU-Turkey Deal. The legal debate is whether Turkey can be considered a safe third country. While the Commission is arguing that

*The lack of legal clarity, the ambiguity of the proposals is a strategy. As has been seen with the EU-Turkey Statement, using the form of political statement instead of clear legal forms prevents the possibility of legal challenge, according to Woollard.*

transit establishes a sufficient link to the third country, some Member States, in particular Germany, are pushing for an even broader concept, according to which a link would not even be required. Despite all justified critique, ECRE has found some positive aspects in the Commission's reform proposals, such as enhanced free legal aid, a widening of the definition of family members, and in some cases higher standards for reception conditions. Still, the main idea of the reform package was externalisation and containment, Woollard insisted. They were the wrong proposals at the wrong time also because highly complex legal proposals are difficult per se during times of deep political disagreement. According to Woollard, these political disagreements cannot be solved using law or legal proposals. With regard to the role of the European institutions, the European Parliament is the one with the most realistic, evidence-based and human rights-based approach. Indeed, the Parliament has adopted several ECRE positions during the reform discussions. On the side of the

Member States, negotiations seem to have got stuck due to deep political disagreement – there was a deadlock on the side of the co-legislator.

In this context, ECRE concludes that the reform package is dead. Why? Because time has run out, Woollard told us. With the European Parliament elections taking place in 2019, there was simply no time to finalise the reform. Now, should we be pleased or regret this? Woollard's answer: It is better to have no reform than a bad reform, but the crucial question is, what is coming instead? What have we seen since the reform proposals by the Commission? No better alternatives, unfortunately. As there seems to be agreement among the institutions that the CEAS reform will not come through, the Commission and the Council put forward the idea of Regional Disembarkation Platforms and Controlled Centres. While the proposals remain vague on crucial points, it is clear that Regional Disembarkation Platforms are envisaged as some form of centres in third countries while Controlled Centres would be hotspots reloaded, not confined to countries of first arrival, which would open the possibility to use EU-funded or managed centres in all Member States.

*In addition, safe and legal channels into Europe are needed – such as resettlement and humanitarian visas.*

The lack of legal clarity, the ambiguity of the proposals is a strategy. As has been seen with the EU-Turkey Statement, using the form of political statement instead of clear legal forms prevents the possibility of legal challenge, according to Woollard. In addition, the focus on containment and return is extremely problematic. Return is not a solution, since the pre-condition for return, which might be justified in some cases, is a fair asylum system, she reminded us. Using return as a key instrument is therefore very problematic – indeed, return is one of the most inhumane instruments the EU is currently using. In addition, the rhetoric of return could make societies start to think that all people of other ethnicities are not legally present, and should be returned. A further aspect of the reform package was strengthening the agencies Frontex and EASO.

The reform package in short was: extra-hotspots, extra-return, extra-agencies, all in order to support the underlying objectives of return and externalization, according to Woollard.

The alternative proposed by ECRE is a functioning asylum system in Europe, which is realistic – the contrary would be absurd. The focus should be on compliance by Member States, in particular

compliance with fundamental rights and human rights, supported by EASO with regard to procedures and reception conditions if necessary. In order to have a functioning asylum system, a functioning allocation mechanism is needed, responsibility sharing is a pre-condition, Woollard claimed. This would require a deep-seated reform of Dublin, i.e. a functioning relocation mechanism instead of Member States negotiating where a ship can disembark while the boat is waiting in the sea. In addition, safe and legal channels into Europe are needed – such as resettlement and humanitarian visas. The fact that most Member States indeed have some sort of legal access mechanism shows that this is realistic and works in practice. Legal migration routes should also be available for people who do not have a claim for international protection, even though this is not the core mandate of ECRE, as she hastened to add. Regularisation of people who are already working in Europe is another aspect in this regard. Further, the wider context of the role of Europe in the global context has to be taken into account – global trade policy and addressing route causes are the key words in this regard. In addition, inclusion and integration in Europe for those who stay is crucial. This is where Woollard came back to the issue of compliance, the EU could support

with funding in this regard. She ended on an optimistic note: civil society resisting anti-migration or xenophobic tendencies is stronger than one might think.

Kalantzi adds some thoughts from the Greek perspective. She remarked that as long as reception conditions strongly differ among Member States, secondary movement can hardly be prevented as this is going against the human condition. Concerning the disembarkation system, Kalantzi is disappointed that the basic premises of international law are disregarded.

The following discussion with the audience focused on the points raised by the Commission's proposals and ECRE comments. It also mentioned the changing role of cities and municipalities. Woollard concluded the discussion on a less optimistic note: the general trend of deterrence and prevention of migration seems undeniable.

*Using return as a key instrument is therefore very problematic – indeed, return is one of the most inhumane instruments the EU is currently using.*

## Country Reports

### THE LATEST DEVELOPMENTS

#### AUSTRIA

It seems as though Austria is deporting at all costs. Deportations are also carried out to Afghanistan. Detention centres are full. 34% of detentions are unlawful, while 43% of asylum decisions are unlawful. Journalists are under pressure. In 2020 it is planned that the ministry can appeal against its own decision. There is no list of unsafe third countries.

#### BELGIUM

Belgium is a country of migration. So far there is a solid procedure and a fairly solid percentage. But also in Belgium the mindset has changed.



Christoph Riedl (Diakonie Austria)

The concept of safe third countries exists; people have to meet shorter deadlines and are in need of a lawyer; appeals have no suspensive effect.



*Claudia Bonamini (Jesuit Refugee Council Europe), left and Tetty Rooze de Boer (United Protestant Church in Belgium)*



*Marine de Haas (La Cimade)*

A law has been enacted that allows authorities to look into personal possessions like phones and laptops. So migrants have started to show their laptops on voluntary basis, hoping that this cooperation will be in their favour. But the negative side of the coin is that not being willing to hand in belongings voluntarily is read as having something to hide. More detention centres are planned. After ten years, Belgium has again started to detain children.

There is a move to no longer talk about migrants as victims - since victims are seen as helpless, and not allowed to be talked about - but as what they are: human beings. This is in order to balance discussions, since politicians can influence the public discussion with their wording. As is France, acts of solidarity are punished, e.g. giving shelter for the night can be seen as aiding and abetting smuggling.

## CZECH REPUBLIC

The situation was described as neither horrible nor beautiful. Migration is a highly political issue that was also used in the last election campaign. A look at history: In 1989 the Czech Republic simply did not receive any asylum seekers, a year later Czech society was welcoming, but it was more like nobody cared. In 2001 the country managed 18,000 asylum seekers, who came without any hype. The numbers decreased until 2004. But as is the case everywhere, populists established themselves. In 2015 immigration was referred to as an organised invasion. It is a bizarre situation.

## FRANCE

The speaker addressed two main developments in France:

Firstly, there is a newly passed bill on asylum and immigration which speeds up the asylum procedure and introduces a scheme to distribute asy-

lum seekers across the country on the German model. Unlike in Germany, in many cases there is no accommodation provided yet the asylum seeker is still obliged to stay in the region. Furthermore, the length of immigration detention will double at the beginning of 2019. Currently a person can be detained for up to 45 days until deportation, but then they will be detained for up to 90 days. More than half are released before their deportation.

Secondly, systematic checks at internal borders have been re-established since 2015, on the argument of combating terrorism. Nevertheless, at borders to Italy and Spain it has been observable for three years that mainly needy people (asylum seekers, minors...) get pushed back. Further, there is a criminalisation of solidarity. Citizens are charged because they helped.

The presentation also refers to a protest march in the Alps and **a petition** to support citizens prosecuted for having crossed the French-Italian border with exiles, as well as the European Citizens' Initiative for a Welcoming Europe.

## GERMANY

Asylum law has been tightened up a number of times since 2015, e.g. speeding up the asylum procedure, facilitating deportations and restricting family reunification. There are legal pathways to Germany and also to family reunification. Since August 2018 a new law has been in place that puts a cap on possible family reunification. A maximum of 1000 family members can be reunited per month and the procedure has been made more complicated. Therefore, in August only 43 of the promised 1000 reunifications took place. The plan is to realise 10,200 resettlements by 2019. A new pilot program has been launched which involves private sponsorship. Currently, simply everybody can be deported to Afghanistan. And also the Maghreb countries are considered safe by the government.



*Kerstin Becker (Paritätischer Gesamtverband)*

Ten “Anker” centres have been established. “Anker” is an acronym for arrival, decision and return. Everything takes place in one centre until the first decision. Many organisations have criticised this concept, especially the (lack of) access to education, legal aid and rapid integration.

## HUNGARY

Jafari and Lufta share their different stories as refugees. They talk about being in closed camps, about being welcomed about their journey. Their paths led them to Hungary, where they found support at Kalunba.

Historically, Hungary has always been more a source of migration than a destination. Since 2011 the atmosphere has changed a lot: any



*Mahdi Jafari, Kalunba*



*Ali Lufta, Kalunba*



*Dora Kanizsai-Nagy, Kalunba*

welcoming attitude has been lost. The asylum procedure has also changed. Hungary has been in a state of emergency since 2015. In 2018 corresponding legal changes followed. The Asylum, Migration and Integration Fund (AMIF) is frozen. NGOs are suffering serious money problems.

Push-backs happen along the border in an area of 8km. The police basically check everybody. The right to asylum is not denied, but the restrictions make it hard to meet the requirements. No accommodation is provided for those who already received a decision, no matter whether positive or negative. Within 30 days they have to leave the accommodation even though their papers are not ready yet. Dublin returnees return to homelessness.

## ITALY

Italy has a new coalition government. Their slogan is “Close the borders”. There is a crackdown on search and rescue at sea. Facilitating illegal immigration is also punished by imprisonment.



*Dorothee Vakalis (Naomi Thessaloniki), left and Fiona Kendall (FCEI, Mediterranean Hope), right*



*Alberto Mallardo (Mediterranean Hope)*

Everywhere people are told that immigrants are bad news. But Italians are also rising up against that, calling for an open border. Since the Salvini Law was enacted in November 2017 the detention rate has increased. Salvini is in contradiction with himself, wanting to be seen as being there for the most vulnerable. There is an attempt to expand the humanitarian corridors in a small-scale scheme between Protestant organisations and Sant'Egidio, a Catholic NGO.

One out of 10 people crossing the Mediterranean goes missing. Lampedusa, which might be considered the gateway to Europe, is like an open-air gaol.

## ROMANIA

Quite an island, meaning that political speech in the country is not against migrants. Moreover, policies are changing slightly for the better, because the ministry meets with migration-related NGOs on a monthly basis. Living conditions have thus improved as has access to social housing. There are six accommodation centres, and there is going to be a new one close to Bucharest. By law asylum seekers are not allowed to sleep in the streets. On the other hand, the asylum seekers are expected to pay for their accommodation after a while.

In Romania a new resettlement programme is to be launched, which will be different from its last project with Myanmar. Resettlements are to come from Turkey and Jordan. The Dublin procedure is problematic, and has led to an arbitrary splitting of families when, for example, one of the partners was not around. The money provided is not much but a person can survive on it. Asylum seekers have the right to work after three months and a recognised refugee may work from day one.

## SWEDEN

In 2015 Sweden was very welcoming, but the general mindset has changed. Currently there is a temporary restricted residence permit lasting until July 2019. Family reunification has also been restricted. The time period to apply for that is three months after getting the permit, which makes it very hard to meet the criteria. There is no family reunification for persons with only subsidiary protection. It is problematic when an unaccompanied minor turns 18. Swedish law reminds is like patchwork, it is so complex.<sup>5</sup>

<sup>5</sup> [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/614200/IPOL\\_STU\(2018\)614200\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/614200/IPOL_STU(2018)614200_EN.pdf)



*Anna Karlgren, the Church of Sweden*

## TURKEY

Turkey has ratified the Geneva Refugee Convention but with a geographical limitation to European countries. Nowadays it also accepts refugees from Russia and Syria. People can apply to the UNHCR to be recognised as refugees and be registered by the police. A rejection is followed by deportation, an approval by resettlement. Meanwhile they are only there on sufferance.



*Jürgen Blechinger (Protestant Church in Baden)*

After having applied for asylum the asylum seekers get sent to remote regions and have to report to the police for not leaving the so called "satellite city". Further they are not allowed to work and get no other supplies. The recognition procedure might take years and then - if recognized - they have to wait for resettlement. There are so called "guest houses", but are de facto removal centres. Also rejected asylum seekers are detained there. The situation can be even worse than being in a normal prison.

If there is no recognition or resettlement place the people are returned to their country of origin or a transit country eastwards means getting imprisoned first. Persons who are caught in the Aegean region on their way to Europe are imprisoned first in western Turkey, then sent to another prison in the East and then deported.

The special temporary protection for Syrians equals a suspension of deportation and is very vague. You have to renew your document very often at the police station not knowing what will happen. Even though it is possible that an employer may ask to get a work permit, an assessment has to be conducted to prove that there is nobody in Turkey who can do that job better.

## Panel Discussion: Bilateral Agreements, Externalisation – Where is Europe going to?

### WHAT IS THE ROLE OF CIVIL SOCIETY AND CHURCHES?

CATHERINE WOOLLARD, SECRETARY GENERAL OF THE EUROPEAN COUNCIL ON REFUGEES AND EXILES (ECRE) | DR. TORSTEN MORITZ, GENERAL SECRETARY OF CHURCHES COMMISSION FOR MIGRANTS IN EUROPE (CCME) | REV. LENA KUMLIN LEGAL ADVISER ON EU AFFAIRS TO THE EVANGELICAL LUTHERAN CHURCH OF FINLAND | KARL KOPP, DIRECTOR OF EUROPEAN AFFAIRS, PRO ASYL | VASSILIS PAPPADOPOULOS HEAD OF LEGAL SERVICE AT THE GREEK COUNCIL FOR REFUGEES (GCR) | MODERATION: APOSTOLOS FOTIADIS, JOURNALIST AND RESEARCHER

According to Torsten Moritz, today is not the time to abandon the carrot, arguing for a two-speed Europe. Asylum is not an option; it is a commitment. Europe has to get out of the defensive. He refers to the CCME Advent letter, which is about displacement and morality.

Behind every statistic are human beings. Lena Kumlin stated that this humanitarian crisis is not a refugee crisis, it is a crisis of values and a crisis of trust. Further, she did not agree with Catherine Woollard's conclusion on overcoming the deadlock, referring to an earlier panel that very same day. Instead, she argued – quoting Jean-



*Catherine Woollard (ECRE), Karl Kopp (Pro Asyl), Vassilis Pappadopolous (GCR), Apostolos Fotiadis*

Claude Juncker – for long-lasting solutions.

Kumlin presented 2019 as a super election year in Finland, with the presidency of the Council of the European Union from July to December as the icing on the cake. The Finnish presidency will focus on the values of the EU: social Europe, artificial Intelligence, climate change and climate justice. There will be a series of events looking back at the 20th anniversary of the Tampere summit in October 1999. To her, Europe is a dream and a struggle, and stands for a welcoming Europe.

Vassilis Papadopoulos addressed hotspots and bilateral agreements as being out of the system. But in conclusion he called for continued insistence on Europe.

Karl Kopp reminded the audience that we – referring to all of those working for migration and the good cause - are now stronger than ever. Society is more active and more vibrant than before. He referred to huge demonstrations in Germany against exclusion and for rescue at sea. He cannot recall having seen that kind of activism seven years ago.

He showed quite plainly that rescue at sea is “not our job but our reality”. The organisations and civil society have to have a new strategy and a more systematic approach. In Kopp’s opinion, Europe has to get rid of the two deals. He calls for a fresh joint approach to doing so.

NGOs playing a defensive game, are there alternatives? Yes, there are. Catherine Woollard pointed out that we have to resist the idea there are no alternatives. We should not play the game of “good refugee versus bad migrant”. Instead,



*Catherine Woollard (ECRE)*

we should find constructive and not compromising methods.

Migration-ising of security instead of securitising of migration. She sees refugee reception on a voluntary basis as a possible solution, a “coali-



tion of the willing”. She calls for a more progressive approach and ends by noting that civil society has never been too short of ideas.







# APENDIX

# Conference Agenda

## MONDAY, 15 OCTOBER 2018

- 3:00 pm **WELCOMING STATEMENTS**  
Markos Vasilakis, His Eminence Metropolitan of Chios, Psara and Oinouuses  
Dr Torsten Moritz, General Secretary, Churches' Commission for Migrants in Europe (CCME)  
Ramin Mohabat, Journalist  
Moderation: Katharina Stamm, European Migration Policy, Diakonie Deutschland
- 3:30 pm **THE REMAINS OF THE REFUGEE CRISIS: Recent Developments in the Law, Policy and Practice of Asylum in Greece**  
Efthalia Pappa, Vice-Moderator of CCME Executive Committee, Church of Greece, Synodical Committee of Inter-Orthodox and Inter-Christian-Relations
- 5:00 pm **THE SITUATION IN THE AEGEAN ISLANDS SINCE 2015: Impact of EU Policies on the Greek Sea Borders**  
Natasha Strahini, Lawyer Refugee Support Aegean (RSA), Chios  
Interventions: Aliko Potamianou, GCR lawyer, Lesvos legal aid project  
Katerina Vlassi, Lawyer, Legal Aid METAdrasi Samos  
Dr Danai Angeli, lawyer, expert on European asylum and human rights  
Moderation: Dr Torsten Moritz, General Secretary, Churches' Commission for Migrants in Europe (CCME)

## TUESDAY, 16 OCTOBER 2018

- 9:00 am **COMMEMORATION CEREMONY FOR PEOPLE WHO LOST THEIR LIVES ON THEIR WAY TO SEEK SAFETY AND AT THE SEA SHORE AND FOR DR. CARSTEN HÖRICH († February 2018, Chios)**
- 10:00 am **EXCURSIONS**  
Athena Women's Centre (Markela Farkona) – women's group only  
Imagine Centre for men (Tamar Dressler)  
Vial Refugee Camp  
Eastern Shore Response Team – Warehouse
- 2:00 pm **THE ROLE OF FRONTEX AS EUROPEAN AGENCY IN THE AEGEAN**  
Magdalena Silska, Adviser to the Fundamental Rights Office (FRONTEX Headquarters Warsaw)  
Moderation: OKR Katrin Hatzinger, head of the Brussels office, Evangelical Church in Germany (EKD)
- 4:30 pm **THE EU REFUGEE SYSTEM FROM A LOCAL PERSPECTIVE, Experiences, Crisis management, First Reception and Hot Spot Approach out of the Experiences of the Local Authorities at the Gate of Europe**  
Manolis Vournos, Mayor of Chios  
Interventions  
Apostolos Veizis, Médecins sans frontières  
Evi Paida, Ministry of Education, teacher at local primary school for refugee children  
George Georgalas, lawyer, Legal Aid METAdrasi Chios  
Moderation: Efthalia Pappa, Vice-Moderator of CCME Executive Committee of CCME, Church of Greece, Synodical Committee of Inter-Orthodox and Inter-Church Relations

## WEDNESDAY, 17 OCTOBER 2018

- 9:00 am **CONCLUSIONS OF DAY 1 AND 2**
- 11.30 am **FLIGHTS TO ATHENS**
- 3:45 pm **CONFERENCE OPENING IN ATHENS**  
Rev. Christian Krieger, Reformed Church of Alsace and Lorraine, President of the Conference of the European Churches (CEC)
- 4:00 pm **FROM »DUBLIN« TO THE AEGEAN, TURKEY, LIBYA AND NIGER – WHO IS NEXT?**  
Perspectives of Externalisation of European Refugee Management Seen from the Greek Perspective  
Prof. Dimitris Christopoulos, Department of Political Science and History, Panteion University (Athens) & President of the International Federation for Human Rights (FIDH)  
Moderation: OKR Katrin Hatzinger, head of the Brussels Office of the Evangelical Church in Germany (EKD)
- 5:30 pm **THE EU-TURKEY STATEMENT AND THE GREEK HOT SPOTS – A FAILED EUROPEAN PILOT PROJECT IN REFUGEE POLICY**  
Yiota Massouridou, asylum and migration lawyers in Greece  
Evi Kyprioti, asylum and migration lawyers in Greece  
Intervention: Dr Eleni Koutsouraki, lawyer, Greek Council for Refugees  
Moderation: Dimitrios Angelidis, journalist at EFSYN

## THURSDAY, 18 OCTOBER 2018

- 9:00 am **GUIDED EXCURSIONS**
1. KSPM-ERP Ecumenical Refugee Project of the Church of Greece
  2. Elaionas Refugee Camp
  3. Schisto Refugee Camp
  4. Greek Asylum Service (Karavias, Director of GAS and Iza Papailiou, Head of the Greek Dublin Unit)
  5. Representative of UNHCR (Greece Philippe Leclerc)
  6. Evangelical Church Unaccompanied Minors
- 3:00 pm **“THE GREEK OMBUDSMAN’S COMPETENCE FOR THE EXTERNAL MONITORING OF THE RETURN OF THIRD-COUNTRY NATIONALS TO THEIR COUNTRY OF ORIGIN: Administrative Challenges and Human Rights Issues”**  
George P. Nikolopoulos, Professor of Criminology, Panteion University, Athens and Deputy Ombudsman for Human Rights at the Greek Ombudsman’s Office  
Intervention: George Dafnis, UNHCR protection associate  
Moderation: Eleni Spathana, asylum and migration law expert, Athens
- 5:30 pm **DUBLIN SYSTEM – FAMILY REUNIFICATION FROM GREECE TO OTHER EU COUNTRIES**  
ERP Lawyer Thanie Stathopoulou, lawyer, safe passage, Greece  
Vinzent Vogt, Refugee Law Clinics abroad, Chios project  
Peny Mylona, lawyer, Danish Refugee Council, Greece  
Iliana Bombou, lawyer, Refugee Legal Support - Athens/Solidarity Now  
Moderation: Valia Gkeka, UNHCR Greece
- 8:00 pm **DINNER MEETING WITH CHURCH DELEGATIONS**

## FRIDAY, 19 OCTOBER 2018

- 9:30 am **THE REFORM OF CEAS** – Overview and State of Play in the EU and Solutions for Overcoming the Deadlock  
Catherine Woollard, Secretary General of the European Council on Refugees and Exiles (ECRE)  
Moderation: Erika Kalantzi, National Coordinator (Greece) for the Elena Network
- 11:30 am **REPORTS FROM OTHER COUNTRIES** – What are Two of the Latest Developments in my Country?  
Hungary, France, Belgium, Turkey, Austria, Italy, Romania, Czech Republic, Sweden, Germany  
Moderation: Katharina Stamm, European Migration Policy, Diakonie Deutschland
- 5:30 pm **PANEL DISCUSSION: BILATERAL AGREEMENTS, EXTERNALISATION** – Where is Europe Going to? What is the Role of Civil Society and Churches?  
Catherine Woollard, Secretary General of the European Council on Refugees and Exiles (ECRE)  
Dr. Torsten Moritz, General Secretary, Churches' Commission for Migrants in Europe (CCME)  
Rev. Kumlin Lena, legal adviser on EU Affairs to the Evangelical Lutheran Church of Finland  
Karl Kopp, director for European Affairs, PRO ASYL  
Vassilis Papadopoulos, head of Legal Service at the Greek Council for Refugees (GCR)  
Moderation: Apostolos Fotiadis, journalist and researcher
- 8:00 pm **DINNER AND FAREWELL EVENING**

## SATURDAY, 20 OCTOBER 2018

- 10:00 am **CONCLUSIONS, JOINT PRESS RELEASE, OUTLOOK**  
Moderation: Torsten Moritz General Secretary, Churches' Commission for Migrants in Europe (CCME)



# Press Release

Brussels, 22 October 2018

## **Stop hotspot approach, create safe passages: Church asylum experts gather in Athens**

A meeting of 150 asylum experts from churches and civil society drew strong criticism of current European asylum policies and plans in this area. The 15th European Asylum Conference took place in Athens from 15 to 20 October at the invitation of the Churches' Commission for Migrants in Europe and Diakonie Deutschland.

The conference started on Chios, one of the Aegean islands where the so-called hotspots approach and EU-Turkey statement are in force. These approaches that aim to keep asylum seekers on the Greek islands rather than the mainland and through "admissibility procedures" attempt to send a majority of the newly arrived back to Turkey. Participants were also confronted with the reality of the ongoing deaths in the Aegean and other external borders of Europe of people seeking safety. They reiterated calls for safe passages into Europe to end deaths at its borders<sup>1</sup>.

Participants were shocked by the living conditions housed in the Vial hotspot on Chios, and later condemned the "undignified and humiliating" situation in the conference resolution. They also expressed concern about the impact on local populations of policies keeping asylum seekers at the border of the European Union. "We can only conclude that Europe cannot continue with its asylum policy as-is," remarked Dr Torsten Moritz, general secretary of CCME. "As churches we want to see this reality of suffering and death replaced by one of solidarity, fellowship, and hope."

Participants also reflected critically on the role played by European Union agencies, including the European Border and Coast Guard Agency (FRONTEX) and the European Asylum Support Office. In their view current policy and practice of the EU and its agencies prevents asylum seekers from access to a fair asylum procedure and in practice often leads to a situation described as "de facto lawless."

While those gathered in Greece represented a diversity of interests and national contexts, they agreed on a common call for solidarity between member states of the EU and with refugees as guiding principles for a true Common European Asylum System. "What we have witnessed here calls into question the current regime of the Dublin Regulation, which leaves Greece among other countries at the EU external borders with disproportionate responsibility," remarked Katharina Stamm legal adviser on European Migration Policy of Diakonie Deutschland. "We strongly believe that Europe must renew its commitment to refugee protection, find a truly working solidarity mechanism and do to more to help those arriving in Greece and those welcoming them."

"The evaluation of the field visits and the information received during the days of the conference highlighted the fact that the hot spot approach can't be a "best practice for future" European policies on the management of mixed migration arrivals," said the CCME Vice Moderator Efthalia Pappa. "Durable solutions regarding reception, asylum procedures and return policies need to be in conformity with the European acquis and Member States need to implement effectively the core fundamental principles of solidarity and burden sharing," she added.



*Audience with HB Ieronymos II, Archbishop of Athens and All Greece to discuss the refugee crisis in the region and the European responses to the issue.*

## Further Documents:

Stiftung Pro Asyl/Refugee Support Aegean, Legal Note - On the living conditions of beneficiaries of international protection in Greece, Frankfurt/Athens/Chios, August 30th, 2018 (Original Version).

Stiftung Pro Asyl/Refugee Support Aegean, Returned recognised refugees face a dead-end in Greece – a case study, January 4th, 2019.

## Useful Links

Amnesty International  
[www.Amnesty.org](http://www.Amnesty.org)

Churches' Commission for Migrants in Europe  
(CCME)  
[www.ccme.be](http://www.ccme.be)

Cimade  
[www.cimade.org](http://www.cimade.org)

European Council on Refugees and Exiles



# Participants

**150 EXPERTS FROM MORE THAN 68 ORGANISATIONS IN 16 COUNTRIES TOOK PART IN THE DISCUSSION**

Name	Organisation	Country
Acsai, Balázs	Kalunba Social Services Nonprofit	Hungary
Ali, Lutfa	Kalunba Social Services Nonprofit	Hungary
Andrási, Julia	Evangelical Lutheran Church in Hungary, Diaconia	Hungary
Angeli, Danai	Athens Bar, Bilkent University	Turkey
Angelidis, Dimitris	Efimerida Ton Syntakton	Greece
Antonis, Rigas	MSF	Greece
Arvanitis, Myrsini	Action for Women	Greece
Badina, Inna	Estonian Evangelical Lutheran Church	Estonia
Becker, Kerstin	Paritätischer Gesamtverband	Germany
Bekyol, Yasemin	German Red Cross	Germany
Blechinger, Jürgen	Protestant Church in Baden / Diakonisches Werk Baden	Germany
Bompou, Iliana	RLS-Athens/Solidarity Now	Germany
Bonamini, Claudia	Jesuit Refugee Service Europe	Belgium
Bormann, Thomas	Südwestrundfunk, SW German broadcaster	Germany
Bothe, Sabina	Caritasverband für das Erzbistum Berlin e.V. (Caritas Berlin)	Germany
Bünger, Clara	Equal Rights Beyond Borders	Germany
Campbell-Gray, Gemma	Action for Education	UK
Charoula, Karasarvidou	Metadrasí	Greece
Christopoulos, Dimitris	International Federation for Human Rights	France
Chrysomallos, Alexandros	Danish Refugee Council	Greece
Chrysostomidou, Dalida	Danish Refugee Council	Greece
Dafnis, Georgios	UNHCR	Greece
De Haas, Marine	La Cimade	France
Dourida, Evangelia	Ecumenical Refugee Programme, Church of Greece	Greece
Efthymiadou, Andriana	METAdrasi	Greece
Esser, Paul	Naomi Thessaloniki	Greece
Faltaka, Eleni	Ecumenical Refugee Programme, Church of Greece	Greece
Feder, Ben	Action in Education (Chios)	UK
Fendrychová, Alena	Diaconia, Ev. Church of Czech Brethren	Czech Republic
Flores, Israel	Spanish Evangelical Church	Spain
Fotiadis, Apostolis	Journalist and researcher	Greece
Fotoula, Danai	Aitima	Greece
Gamond-Ruis, Lucie	Imece Inisiyatifi	Turkey
Gavril, Dana	Aidrom	Romania
Gawria, Fadi	Church of Sweden, diocese of Stockholm	Sweden
Georgalas, George	METAdrasi	Greece
Georgiou, Niki	Refugee Law Clinic Abroad	Greece
Gilster, Ansgar	Evangelical Church in Germany	Germany
Gkeka, Valia	UNHCR	Greece

Name	Organisation	Country
Gkolompas, Christos	Ecumenical Refugee Programme, Church of Greece	Greece
Harms, Thomas	Innere Mission Friedland e.V.	Germany
Hatzinger, Katrin	EKD Office, Brussels	Belgium
Hymers, Sonya	Choose Humanity	Greece
Jafari, Mahdi	Kalunba Social Services Nonprofit	Hungary
Jochims, Dietlind	Evangelical Lutheran Church in Northern Germany	Germany
Johansson, Inga	Uniting Church in Sweden	Sweden
Kalantzi, Erika	Refugee Lawyer	Greece
Kaldur, Peeter	Congregation Jõhvi of Estonian Evangelical Lutheran Church	Estonia
Kanizsai Nagy, Dora	Kalunba Social Services Nonprofit	Hungary
Kardamaki, Evangelia	Aitima	Greece
Karioti, Marta-Maria	Danish Refugee Council	Greece
Karlgren, Anna	The Church of Sweden	Sweden
Kendall, Fiona	FCEI-Mediterranean Hope	Italy
Kopp, Karl	Pro Asyl	Germany
Koutsouraki, Eleni	Greek Council for Refugees	Greece
Krellner, Annegret	Ökumenisches Informationszentrum Dresden e.V.	Germany
Krieger, Christian	Conference of European Churches	France
Kumlin, Lena	Evangelical Lutheran Church of Finland	Finland
Kyprioti, Evgenia	Asylum lawyer	Greece
Lakka, Lida	UNHCR	Greece
Lein, Anneli	Estonia Ev. Luth. Church, St Michael's congregation	Estonia
Levin, Katinka	Church of Sweden, diocese of Stockholm	Sweden
Linder, Johanna	Church of Sweden, diocese of Stockholm	Sweden
Lipatova, Margarita	Max Planck Institute for Social Anthropology	Germany
Lochstamper, Markus	Diakonisches Werk Württemberg	Germany
Loukaidi, Angeliki	Aitima	Greece
Maier-Lidle, Silvia	Kreisdiakonieverband Ludwigsburg	Germany
Mallardo, Alberto	Mediterranean Hope	Italy
Masouridou, Panagiota	Lawyer	Greece
Michalakeli, Anna	Ecumenical Refugee Programme	Greece
Mitchell, Petra	Protestant Church in Greece	Greece
Moayedzadeh, Ayda	Church of Sweden	Sweden
Mohabat, Ramin	Diakonie Deutschland	Germany
Moritz, Torsten	Churches' Commission for Migrants in Europe	Belgium
Mourtzaki, Maria	Action Aid	Greece
Muhammadi, Yonous	Greek Forum of Refugees	Greece
Münch, Berthold	Asylum lawyer in cooperation with Diakonisches Werk Baden	Germany
Mylona, Panagiota	lawyer for refugee law	Greece
Myriagos, Vasileios		Greece
Nestler, Robert	Equal Rights Beyond Borders	Germany
Niech, Hildegund	Diakonie Hessen	Germany
Nikodemus, Rafael	Evangelical Church in the Rhineland	Germany
Nikolaras, Alexandra	Perichoresis - Evangelical Church of Greece	Greece
Nikolopoulos, George	The Greek Ombudsman	Greece
Nikolopoulos, Pelopidas-Alexios	Network for Children's Rights	Greece
Nitschke, Anne	Asylum Lawyer in cooperation with Diakonie Sachsen	Germany



Name	Organisation	Country
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