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FOLLOW-UP REPORT- THE GREEK EXPERIMENT

In the dates of August 9-16 2016, four law students of the Human Rights and Migration Law Clinic (HRMLC) of Turin, an educational legal program conducted jointly by the International University College of Turin and the University of Turin, visited two locations in Greece, Athens and the island of Chios, with the aim of updating the information on the original report made by A.S.G.I. during the month of June, 2016. The report dealt with the recent developments and effects that the implementation of the “EU-Turkey Agreement” has brought in the legal and political context of Greece and to the thousands of migrants living and still arriving in the country.

During the week of the research, several actors from different institutions, NGOs, people involved in the assistance of migrants, and migrants and asylum seekers themselves were interviewed. Specific interviews were carried out to the following actors: Greek Forum of Refugees (Athens), City Plaza Hotel helpers (Athens), Asylum Service (Chios), UNHCR (Chios), Norwegian Refugee Council (Chios), volunteers working in Souda camp (Chios), EASO coordinators (Chios and Athens), migration law lawyers (Athens and Chios), asylum seekers and migrants in Chios.

The information presented in this update follows the format and structure of the original report made by A.S.G.I. in June 2016.

RECENT DEVELOPMENTS OBSERVED IN THE MONTH OF AUGUST 2016: MAIN FACTS

1. Raising of the new arrivals

After the failure of the Turkish coup of State, occurred the 15th of July 2016, the number of arrivals grew exponentially: it is reported that in August, in only one week (August 1-7), 318 migrants arrived on the island of Chios¹. Then, between August 29 and August 30, the highest number of arrivals since April 2016 was registered, in a period of time of only 24 hours. According to data given from the Refugee Crisis Management Coordination Body², 462 persons arrived on the islands, including 176 on Lesbos, 128 on Kos, 86 on Chios, and 70 on Rhodes.

¹ Until the date 10-08-2016.

² The numbers are reported here: <http://www.statewatch.org/news/2016/sep/eu-med-crisis-news-1-9-16.htm>.

Further information can be found here: <https://newsthatmoves.org/en/jump-in-arrivals-to-greek-islands/>.

This raising of the arrivals has an impact on the already deteriorated situation that migrants live in Chios, where 3.316 persons are being held on the island, while the identification and registration center of Vial is only intended to hold 1.100.

The main reason which explains the raising of the arrivals, according to our interviewees, is the Turkish failed coup, which caused a substantial relaxation of the Turkish security and border patrols, which in turn provoked the raise of migration flows. The deteriorated situation of Turkey has even pushed Syrians who were already established there to leave the country and cross to Greece.

During the time of the research, at least one boat per day with 45 to 70 persons on board was landing on the island.

Moreover the delay of visa liberalization for Turkish nationals address their government not to meet its commitments with Europe³.

2. Total stop of the Relocation procedure on the Islands after the 20 of March 2016

After the EU-Turkey agreement came into force, the Relocation procedure had survived very little time. It has been confirmed that such procedure is not working on the islands, while it seems to be still operative on the mainland. Therefore, migrants who arrived after the 20 of March do not have access to it. Such situation creates a discrimination that is both geographical, because it creates different rights on the islands and on the mainland, and related to time, since different rights are depending on the date of arrival.

The decision to stop the Relocation procedure on the islands after the 20th of March falls within the general political orientation of the European Union, whose aim is to contain migration flows and discourage the creation of pull factors. The impossibility to access the Relocation procedure implicitly functions as a deterrent for those who are willing to apply for Asylum in Greece. Nonetheless, this objective has not produced the results expected, as seen in the raising number of arrivals.

3. Growing role of EASO: EASO starts being in charge of the eligibility procedure of non-Syrians migrants on the Islands

EASO has recently gained stronger authority and power in Greece. Indeed, since the second week of August 2016 its role was extended to the eligibility procedure⁴, while before it was only in charge of making interviews related to relocation and the

³ The news about the delay in EU visa liberalization is reported on:

<http://www.finlandtimes.fi/europe/2016/09/06/29915/Turkey-wont-accept-delay-in-EU-visa-liberalization:-spokesperson>.

⁴ The information was provided by Mrs. Ilaria Siggia and Mrs. Van de Peer, both EASO's representatives. (Last update: on October 6, an interview on the merits of an Iranian national applicant was held).

Statistical data concerning August 2016: http://asylo.gov.gr/en/wp-content/uploads/2016/09/Greek-Asylum-Service-statistical-data-August-2016_en.pdf.

admissibility procedures. In particular, EASO was given such central role by the Greek government itself with the law 4399/2016 issued on the 22nd of June 2016. Currently, interviews on the merit of the asylum applications are undertaken by EASO for Pakistanis and Algerians nationals.

The term "eligibility procedure" refers to the analysis procedure on the merits of the application. In the second half of August this procedure has been activated for non-Syrian nationals. This means that the Asylum Service decides which nationalities will be subjected to this procedure, while the EASO takes the final decision on the merits, with the task of notifying it. This is done in accordance with the Conclusion of the European Council adopted in June 2016. Since the procedure is activated or not depending on the nationality, this policy has created conflicts and tensions between the asylum seekers.

4. Returnings have reinitiated

Returnings to Turkey were initiated on the island of Lesbos on August 17 2016⁵, breaking a two months period without any return⁶.

Regarding the expulsions in Chios, people interviewed maintained that after the failed coup, Greek authorities didn't have their Turkish counterparts to implement the readmissions to Turkey as Turkish officials were called back to their country. Nonetheless, an official from UNHCR did mention that the government was planning to start with the returnings but that it was not clear how it was going to work. Moreover, it seemed that Syrians were to be sent back by plane, while the rest of the nationalities by ships.

The differentiation in the means of transportation between Syrians and the other nationalities is confirmed with the reported expulsion recently carried out in Lesbos, with 8 Syrians returned in a chartered flight while 6 migrants from Pakistan and Algeria were returned in a chartered boat. All of them, Syrians included, supposedly did not apply for asylum in Greece, therefore being classified as Unauthorized Economic Migrants.

⁵ The news can be found here: <http://www.laht.com/article.asp?ArticleId=2419009&CategoryId=12395>. Other episodes of "deportations": 23/09 <https://newsthatmoves.org/en/seven-syrians-returned-to-turkey/?pdf=4421>; 26/09 http://www.dha.com.tr/yunanistana-giris-yapan-70-sigimaci-turkiyeye-geri-gonderildi_1335151.html. About this latest episode, it is reported that "out of the total, 63 did not seek asylum in Greece, whereas the remaining had their asylum claims withdrawn or rejected".

More information on: <http://aa.com.tr/en/europe/greece-8-refugees-sent-back-to-turkey-/630475>.

Sources related to the rejections are often confused and contradictory concerning the dynamics. However, all the rejected Syrians are covered by the Agreement "1 for 1". In particular it seems that Syrians have withdrawn their asylum request and therefore were immediately repatriated, according to the agreement.

⁶ Although there is no official news available about it, according to some activists for human rights, few incidents of rejections occurred and were classified as "push-backs" in the following dates 4/4, 26/6, 26/7, 31/7 and 2/8. Differently from the episodes called "deportations" or "AVR - assisted voluntary returns", the above mentioned events are made directly and immediately by the Coast Guard, without any possibility for migrants to apply for asylum in these cases.

Both the trips back to Turkey were made in crafts provided by Frontex, in accordance with the increasing role that European agencies are having in the management of the so-called “crisis”, as originally reported by A.S.G.I.

5. Mersinidi: a new detention centre

Greek authorities are working on a plan to reinstate the detention centre of Mersinidi, a structure located in the North-East of the Chios island which was already used as a detention centre in 2013. Mersinidi, whose capacity in 2013 was of 120 persons, will function again as a space in which asylum seekers and migrants will be kept before the expulsion from the Greek territory. In particular the detention centre of Mersinidi is intended to detain those asylum seekers who received a negative response and those who did not apply for asylum and are subject to expulsion.

6. Growing distrust in the system

The continuing poor living conditions and slow procedures that migrants face on the island keep pushing some of them to re-enter Turkey or return to their countries of origin “voluntarily”, either self-supported or with the support of international organizations (mostly the IOM). Both these procedures are theoretically available, but in fact none of them is easy to have access to. The municipality might address migrants to the IOM. At the moment, a few individuals are known to have made it⁷: both migrants and NGOs point out the fact that is not easy to apply for a voluntary return⁸.

There are many controversies on the voluntary nature of those who choose to be repatriated. The type of the selected candidates and the conditions in which they are, are often linked to situations of discomfort or weakness⁹.

Furthermore in some cases they have been promised support in order to gain documents, once back in their country, as to legally re-cross the European borders (see the case of S. N. in note 7 below), and they have also been offered money (from 500 to 700 Euros).

The crucial problem of the voluntary return procedure concerns the risk of violating the principle of non-refoulement of third-country nationals due to the high level of danger of their Countries of origin (provision contained in Article 5 of the Directive 2008/115/EC).

⁷ IOM cases we have confirmation about: a group of 32 Yazidi people were repatriated from Leros to Iraq, one group to Erbil and another one to Baghdad, in early September 2016 (story told by A.H.); S.N., a 25 years old man was repatriated from Chios to Afghanistan (his mental problems were not officially assessed); another case involves a 14 years old Afghan who is still in Greece and is followed by the advocate Electra Koutra. He withdrew the application for asylum and requested voluntary repatriation. The case is still ongoing.

⁸ Furthermore on the 27th of August four Syrians risked their lives in the attempt of swimming from Chios back to Turkey. One of them was rescued immediately, whilst the others were found the day after by the Hellenic Police speedboat. This fact seems to support the thesis that this is a problematic issue.

⁹ According to the witnesses of migrants interviewed and the statement of adv. Evgenia Polychronidi.

There is a number of Syrians that didn't attend the admissibility interview and some others left the island of Chios after this interview took place. Even if local authorities say that they might have fled the island and returned to Turkey, we have the confirmation of several cases in which migrants paid 3000 Euros or more to a smuggler in order to reach Germany. Most of those were then fingerprinted in Italy and stopped at the Swiss border with Germany or in Austria.

Migrants themselves seem to suggest to new arrivals not to submit the asylum application, due to the length of the procedure.

I. ACCESS TO THE ASYLUM PROCEDURE

Access to the Asylum procedure seems to be still guaranteed both on the mainland and in the islands, as previously reported. But in both areas the main problem remains the length of time of administrative procedures which is extraordinary long, while asylum seekers have to wait in deplorable living conditions.

Nevertheless it's important to underline that there are informal testimonies from migrants in the Chios' camps pointing out that the Hellenic Police might be denying in fact the possibility to migrants to ask for asylum, as it was reported to have happened before the EU-Turkey Agreement. During the expulsions occurred on August 17 on the island of Lesbos, it is reported that 8 Syrian refugees withdrew their asylum request, but the newspapers' articles related to this event suggest that even migrants from other nationalities were sent back on that occasion. The ways in which these returnings have been implemented and the opportunities to ask for asylum given, or not given, to such refugees were not specified.

For the purpose of classifying migrant as asylum seeker, the very first contact with the police is deemed to be very relevant. Landing is a delicate moment in which the subjects are not always fully aware of the choices they make. Therefore it happens that they do not immediately apply for asylum and are classified as non-applicants.

2.1 On the mainland

The officer of EASO in Athens¹⁰ stated that during the first days of August all migrants that have arrived between the 1st of January 2015 and the 20th of March 2016 have been pre-registered, that is to say 29.000 migrants.

The main problem on the mainland is the time that passes from the date of the pre-registration to that of the registration, which is around six or seven months¹¹. But not only, the long waiting times

¹⁰ Mrs. Patricia Van der Peer, EASO Office in Athens.

¹¹ The Greek Forum of Refugees reported that on the 10th of August, 2016, the case of a person that finally was able to access the Skype call, consequently being pre-registered, nonetheless, received the appointment for the registration on February 2017.

include also the ones to be pre-registered, a process that should be easy but it is not, due to the difficulty to access it through the Skype system used by the government.

The Greek Forum of Refugees¹², a grassroots organization for advocacy based in Athens, mentioned that in their experience some people have been calling during two months through Skype to get pre-registered without success. This happens because there is a lack of workers in this field. As an example, for those who speak Farsi it has been destined only 3 hours of Skype services per week, with only one worker and one translator available for the calls, therefore the amount of people requesting it far exceeds the ability to provide adequate attention in the pre-registration procedure¹³. Regarding the relocation procedure, only four hours per week are dedicated to that.

2.2 On the islands - Chios

On the island of Chios, the time to be registered and to have the admissibility interview for Syrians is quite fast. Nevertheless, once this phase is overcome, the waiting time between the first admissibility interview and the communication of the result it is about two months on average, in some cases more, according to several Syrian asylum seekers interviewed. A few cases are reported of having done a second admissibility interview with EASO on the same issues than the first one, in the so-called “doubtful cases”.

Furthermore, if they are declared admissible the waiting time for the merit interview is even longer. But, on the cases that have been deemed inadmissible and are waiting for the Appeal Commission to take a decision, will take a longer time as at the moment the Commission has not started to work again and many people are still waiting for the opinion of their appeal decision. These long waiting times worsens the situation for migrants, specifically for those who arrived after the 20th of March to Greece, who are currently stuck on the islands due to the EU-Turkey agreement.

- **Syrians**

Syrian asylum seekers are still subject to the Admissibility procedure. EASO keeps conducting these admissibility interviews which are set within a relatively short period of time after their arrival on the islands. However the decision, which by law should be taken within five days from the date of the interview, usually takes much more than that.

The inadmissibility of first instance admissibility were duly notified, as it regards instead the appeal decision on admissibility it is known that the new Appeals Committees started operating at the

¹² The Greek Forum of Refugees is part of the European Council on Refugees and Exiles (ECRE) , the European Migration Forum for Refugees and the Platform for International Cooperation on Undocumented Migrants (PICUM).

¹³ As stated by Mr. Yonus Muhammadi, from the Greek Forum of Refugees.

end of July¹⁴. The backlog should be of some tens of thousands, given that there was no appeals committee since October 2015¹⁵.

In the majority of the cases the Asylum Service releases a negative decision on the admissibility, adopting almost all the times the opinion suggested by EASO¹⁶. The Asylum Service stated that around the 70% of applications are judged as inadmissible and only the 30% of them are considered to be admissible¹⁷. When the case is deemed inadmissible the decision is appealed, therefore the effects of it are suspended until they are evaluated by the Appeal Commission, located in Athens. It is worth noticing that, since the composition of such authority was changed in June 2016, the Commission has not released any decision on admissibility so far and people are still waiting to receive an answer on their cases.

It is reported that after the inadmissibility decision is notified to the asylum seekers, they are referred to legal counselors working at the office of the Greek NGO known as METADRASI, located inside the Hotspot of Vial. The NGO, whose legal counseling falls within the umbrella activities that the NGO implements on the island, had seven lawyers (at the time of the research, that is to say August) working for the appeals and first instance procedures. However, a poor access to legal counseling by migrants has been repeatedly mentioned during the research, especially considering that it is difficult to give an impartial and free legal advice inside the same detention center in which migrants are kept and where the Police and the authorities that have to judge the cases are constantly present.

In case that the decision of the Asylum Service is positive and the case is considered to be admissible, Syrians are set to have their merit interview with the Asylum Service in Athens. Usually, getting the authorization to go to Athens also takes plenty of time.

In Chios, EASO was handling first the Admissibility procedure of Syrians. During the second week of August 2016, EASO stated that the admissibility cases were finally over and that they were about to start supporting the asylum service with the Eligibility procedure of other nationalities.

- **Other nationalities**

¹⁴ Statistical data on: http://asylo.gov.gr/en/wp-content/uploads/2016/09/Greek-Asylum-Service-statistical-data-August-2016_en.pdf.

¹⁵ According to the adv. Evgenia Polychronidi, interviewed on the 30th of September “None of the cases has been examined so far”.

¹⁶ The official from EASO in Vial (Chios) mentioned that of all the decisions taken by the Asylum Service regarding eligibility, only two cases have disagreed with the criteria previously expressed by EASO and have been subjects of further analysis by the Asylum Service.

¹⁷ According to the Asylum Service official interviewed, Mr. Nikos Papamanolis.

More recently, EASO has begun dealing with the eligibility procedures¹⁸ of other nationalities, as they have apparently finished with the admissibility interviews¹⁹ of Syrian nationals (even though there are daily new arrivals).

The first nationalities that EASO is interviewing are Algerians and Pakistanis, and it seems they will follow up with other North African countries. This division follows up the criteria of dividing people according to their nationality. Such parameter, based on their nationality and not on the date of arrival, creates problems and conflicts among migrants themselves, as it would likely happen that who arrives later, but is from a nationality of a North African country, gets an interview far before of those who arrived earlier from other nationalities. On this point, migrants in the Souda camp confirmed that the procedure is based on the nationality. It is highly probable that the discriminatory application of the law by adopting the nationality criteria for analyzing the cases is originated from political decisions of the EU, aiming at discouraging migration from some specific countries.

Lastly, it is worth noticing that a number of people did not show up for the interview and some others did not even have an asylum number. Such situations relegate them outside the system. Recently, due to the unbearable situation on the island (poor living conditions and never-ending time of waiting), some asylum seekers have started to discourage those who arrive to ask for asylum. Some others are expressing their will to go back to their Country of Origin regardless of the phase in which their case is in the Asylum procedure. These facts, again, show a general distrust in the system.

- **Unaccompanied minors**

Unaccompanied minors face a harsh situation. In general, it is difficult to find a suitable accommodation for them and it was reported that the situation of accommodation for them in Athens is even more precarious than the one in the islands.

In order to make the request for asylum, children who are less than 15 years old need a legal guardian that shall be appointed by the public prosecutor. Those above 15 years old do not need such legal guardian to make the request but still their case has to be referred to the public

¹⁸ As for Syrians: the access to the procedure in the merits of their asylum application takes place after the confirmation of their admissibility, which is proven by the admissibility interview.

As for other nationalities: after having applied for asylum, they have a direct access to the interview on the merits. Such interview is conducted by EASO since the second half of August.

¹⁹ Admissibility procedure: it is a procedure to which only Syrians are submitted and it aims at verifying the presence of valid reasons not to be returned to Turkey.

If the application is deemed admissible, applicants are sent to Athens for the interview on the merits, that is to say the "eligibility interview".

Otherwise, if deemed inadmissible, they are likely to be rejected to Turkey. They may also lodge an appeal against such decision. This procedure may be considered as a pre-examination, since it does not enter into the merits of the application.

prosecutor²⁰. The extra requirements of having a legal guardian appointed by authorities or to have their cases overseen by the public prosecutor is a prerogative that most legal orders have in order to specially protect the rights of the child. Nevertheless, in the current situation is making their processes even longer, which means their life more precarious as the living conditions in the camps and even in the children's shelters are not adequate.

At the moment, the reunification procedure for unaccompanied minors has started again after a period in which it was paralyzed. Family reunification is another particular issue since the majority of minors are turning eighteen during the period they are stuck in the island. Therefore they might lose their access to the family reunification procedure. After the EU-Turkey Agreement a big issue arose around 40 cases of unaccompanied minors arrived after the 20th of March²¹. They are turning 18 years old, are still on the island of Chios but have not issued their vulnerability application yet (all unaccompanied minors over 14 years old should apply on their behalf).

II. RELOCATION PROCEDURE

It was confirmed, by both the local NGOs and European Institutions working on the island, that the relocation procedure is not functioning on the islands anymore, that is to say that most of the people who arrived after the 20th of March, 2016, do not have access to it.

The full arrest of the Relocation procedure on the Greek islands generated several discriminations. The first is a geographical one, since people on the mainland and people on the islands are granted different rights and are treated differently without a legal reason²². The second is a discrimination based on the time of arrival: those who arrived after the 20th of March are forbidden to leave the islands in full violation of the Directive 2013/33/UE on the right to circulate freely in the territory.

The representative of the Greek Forum of Refugees also stated that while the Commission's commitment²³ was to relocate 66.400 migrants, only 2.986 of them were effectively relocated

²⁰ This explanation was provided for by Mrs. Barbara Colzi, the UNHCR representative. She affirmed that "children under 15 years old must necessarily apply for asylum through a legal guardian (usually a Public prosecutor).

This means they can not apply for asylum independently. Teenagers aged between 15 and 18 may apply for asylum independently, provided that also their cases should be referred to the Public prosecutor, especially in order to find an "accommodation" in Athens".

²¹ Information provided by Mrs Barbara Colzi.

²² This is mostly due to political reasons, according to Mr. Sebastien Daridan (from the Norwegian Refugee Council), with the aim of reducing the so-called "pull factor".

²³ Data available in: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/fifth_report_on_relocation_and_resettlement_-_annex_1_en.pdf.

See more information on: http://europa.eu/rapid/press-release_IP-16-2435_en.htm.

from Greece in Europe from September 2015²⁴. One of the problems related to the relocation is the low rate of acceptance of Member States that for “public security reasons” have the power to refuse the relocation of migrants within their territory.

III. ACCESS TO LEGAL AID

Access to legal aid and support is apparently granted on the islands. The truth is that the service is inefficient and the legal counselors are never enough to cover the huge request. In Chios, there are different actors providing information, counseling and legal aid but still the majority of migrants lack knowledge about their cases and the procedures. Almost every migrant interviewed had no notion about what was happening with their application and declared not to have received any legal counseling.

First of all, there is the NGO METADRASI, which in partnership with some lawyers of the international law firm Reed Smith LLP, are providing legal counseling. They offer legal representation in the admissibility and asylum procedures, mainly focusing on the second instance (the appeal); also, they help with some first instance cases but it depends on their available capacities. Talking about numbers, there are 7 lawyers from METADRASI and 2 more lawyers from Reed Smith LLP. A main issue is that the office of METADRASI and the lawyers mentioned work in the center of Vial, where people are detained during the administrative provision. It might be hard for asylum seekers to be able to talk freely about their cases and to trust lawyers working in the same place where they are arrested and where authorities like Police and the Army are always present. There are 12 lawyers in total covering all sites, from Vial to Souda and Dipetse, and also the Hotels where asylum seekers are hosted.

In addition, the organizations of Lathra and Proasyl are implementing the RSPA (Refugee Support Program Aegean). On the island of Chios there is one lawyer giving support to shipwreck survivors, providing legal representation and strategic litigation before Greek Courts and the ECHR, and helping with the registration of newborn babies.

Other organizations like the UNHCR Protection Team and its partners Save the Children and Praksis are working on providing information to existing migrants and to new arrivals. They give information and counseling on administrative and asylum procedures, as well, they informed authorities if they detect unaccompanied minors and children at risk. Since there are consistent delays in the procedure, the European Commission asked to plan an informational campaign to tell people how the situation is. The organizations involved in this project are those recalled above, plus Frontex, the IOM and EASO. Since there are huge differences between what the law states and the reality, they also have to explain to new arrivals some political aspects with the aim to justify the discrimination between nationalities occurring within the process. The legal brochures given by the various organizations help in a very little extent, the feeling is that what is needed is

²⁴ This information is referred to the 12th of August 2016: <http://www.statewatch.org/news/2016/aug/eu-med-crisis-news-17-18-16.htm>.

the creation of a legal centre on the island, where migrants can go freely and can be sure to find a professional lawyer who will take care of their cases.

On that point, the Norwegian Refugee Council is another organization that was giving information about legal issues in support of the UNHCR but this cooperation has stopped. Mr. Sebastien Daridan, officer from the Norwegian Refugee Council, mentioned a new project of the NRC to create a specific facility for providing legal aid in the city center where asylum seekers can access legal counseling. The main point of the project is to place the office outside the hotspot of Vial (as mentioned, currently the offices of METADRASI and Praksis are placed in a restricted area of Vial that is accessible only by permission), in order to provide more confidence, professionalism, independence and to ensure its accessibility to everybody.

The poorly available legal assistance present in the island of Chios has very deep and serious repercussions that goes beyond of the legal aspects or their asylum status, even undermining migrants' health. The harms goes both in the physical and psychological aspects as the perennial state of uncertainty takes its toll on everybody. It was reported that the majority of people suffer from depression and some from other mental diseases. Getting in contact with any of the lawyers working on the island was difficult even for us, who were doing a specific legal research, sincemost of them were on holiday.

In Athens, on the other hand, local NGOs also reported many cases of lawyers taking advantage of migrants with false promises of attending their cases and obtaining positive decisions but only to steal their money.

IV. EXPULSIONS

- **How do they differentiate unauthorized economic migrants from asylum seekers**

The representative of EASO in Athens confirmed that the Asylum Service authorities tend to consider migrants as asylum seekers or as economic migrants, according to the will they express during the very first phase after their arrival, that is to say the phase in which the police takes their data and fingerprints. Therefore, the Asylum Service tends to consider whether a person is an asylum seeker or not depending on what the police paper says about the intention expressed by the migrant at that exact moment.

Such tendency is highly prejudicial for migrants, since the moment of the arrival is characterized by high suffering, fear, pain and they might not be able to decide freely and consciously. Moreover, if migrants are superficially classified as unauthorized economic migrants, they might likely fall under the Readmission Agreement, whose application was anticipated to the 1st of June,

2016 and whose consequences have a serious impact on people's life: they can, indeed, be sent back and readmitted to Turkey with no protection and support.

- **Unauthorized economic migrants**

The 17th of August, 2016, returnings to Turkey were initiated in the island of Lesbos breaking a two months period without any returns²⁵. The category of migrants that fell under such provision is that of unauthorized economic migrants, meaning those migrants that did not apply for asylum. As already reported, the differentiation between economic migrants and asylum seekers does not always correspond to the reality, being very much possible that Syrian migrants do not apply for asylum due to lack of information or wrong procedures.

In Chios, the readmissions have not started so far. Despite that, an official from UNHCR did mentioned that the government was planning to start with the readmissions and expulsions but that it was not clear how it will work, particularly in referring to Syrians. What is known is that the plan is to sent Syrians back by plane while the rest of the nationalities by ships. The differentiation in the means of transportation between Syrians and the other nationalities depends on the different destinations to which they are directed to. This has been confirmed by the reported readmission recently carried out in Lesbos, with 8 Syrians returned in a chartered flight to Adana (the Southern border of Turkey, close to Syria) while 6 persons from Pakistan and Algeria were returned in a chartered boat to the Turkish harbor of Dikili. All of them did not apply for asylum in Greece. It is hard to say whether they were not willing, or unable, to lodge such application. Both trips back to Turkey were made in crafts provided by Frontex, following up the increasing role that European agencies are having in the management of the so-called "crisis", as originally reported by A.S.G.I.

- **Asylum Seekers**

UNHCR official, Mrs. Barbara Colzi, also mentioned about the government's intention to start with expulsions. This fits within the aforementioned plan to rehabilitate Mercinidi, the detention center intended to hold asylum seekers who received a negative response and those migrants who did not apply for asylum. The aim of it is to have more control on the movement of migrants and to prevent them to access smugglers in order to reach the mainland. In any case, since the majority of asylum seekers appealed the negative response and their case is being reviewed by the Appeal Commission in Athens, expulsions of rejected cases cannot be initiated until such Commission releases the final opinions.

Sometimes, asylum seekers do not apply for asylum mostly because they lack information on how and when to do it. For this reasons, they might be easily classified as unauthorized economic migrants and therefore being sent back more easily.

²⁵ As reported on: <http://www.laht.com/article.asp?ArticleId=2419009&CategoryId=12395>.

- **Hotspots and detention in pre-expulsion centers**

Hotspots can be found on five islands: Lesbos, Chios, Samos, Leros and Kos. These places were created after the Agreement of the 20th of March with the aim to identify migrants and collect their personal data. The first screening is also carried out in the hotspot and is in this stage where potential vulnerable cases are identified and where the competent authorities establish a preventive legitimacy of the asylum request. In Vial, i.e. the hotspot of Chios, asylum seekers are supposed to be detained for maximum 25 days after their arrival, in order to complete the identification procedures and eventually submit the request for asylum. Such time limit of 25 days, of restriction to their right to move, also applies to the rest of the Greek hotspots.

In reality, due to the high number of conflicts and rebellions occurred inside, these structures are becoming open centers, even though the local Police and the private security provided by EASO (operated by the security company GAS) still keep the area under a strong institutionalized control.

This is what happened in Chios, for instance, as Mr. Nikos Papamanolis from the Asylum Service confirmed, in where the centre of Vial remained an open center due to their limited capacity as well as after protests and rebellions initiated by migrants.

A main problem for the correct functioning of any procedure is the notification of the date and time of the interviews. Since lots of migrants live in the informal camps, they do not have full knowledge of what is happening in Vial, where the identification and asylum procedures take place. That is the reason why some people missed their interviews and had to queue again, prolonging their time on the island. As the facilities of the identification and reception center of Vial are far away from the city center, therefore difficult to access for the migrants who have to do all their procedure there, the UNHCR has provided a bus service on the island to move people from Souda and Dipethe to Vial and vice versa.

Moreover, the authorities in cooperation with UNHCR have recently set down a notification program in Chios. Every Tuesday and Friday they set out of Vial a paper listing all the people who will be interviewed in the next days. The UNHCR has the duty to put that list also in the camps of Souda and Dipethe. As far as we have experienced, this listing procedure is not that efficient: the number of interviewees is often very short and some names are repeated more than once in a list.

Regarding pre-expulsion centers, both the Asylum Service and the UNHCR confirmed the plan to rehabilitate the Mersinidi Centre in Chios. The aim of such plan is to detain migrants until they are expulse: in particular the centre is understood to keep those migrants whose asylum application was refused or those who did not do apply for asylum and are therefore classified as unauthorized economic migrants. Mersinidi has already been used in the past, specifically in 2013, when it was needed to face the first refugee crisis. Now the plan is to rehabilitate it and use it as a detention center.

V. RECEPTION CONDITIONS

The reception and accommodation conditions are two major issues that seriously impact people's life.

- **On the mainland - Athens**

Accommodation is the major problem in Athens and it forces migrants to live in the streets, without any social support during their time in Greece. On December 14, 2015, the European Commission and the UNHCR launched a scheme²⁶ to provide 20.000 additional reception places for asylum seekers and relocation candidates in Greece through subsidies for housing in the private sector. The Commission is providing 80 million Euros from the 2016 EU budget.

Despite such agreement, out of the 20.000 foreseen places that should have been created, only 7.652 places were effectively available, as reported in the fifth report of the European Commission itself:

<<As of 8 July, the total reception capacity in Greece stands at over 50,000 places in temporary facilities and permanent reception places both for irregular migrants and persons in possible need of international protection who have expressed their will to apply for asylum or have already lodged their asylum applications. However, these facilities need to be substantially improved to meet appropriate standards²⁷. Out of the 20,000 places committed for applicants eligible for relocation under the rental scheme by the UNHCR in December 2015, as of 4 July, 7,652 places were available, including 2,349 places in hotels/entire buildings, 3,738 places in apartments, 212 places in host families, and 201 places in dedicated facilities for unaccompanied minors.

As regard the relocation centers, as of 11 July, only one of the three relocation centers committed by the Greek authorities (Lagadikia) has been established. As of 8 July, 861 persons were accommodated in the centre. For the remaining two, the Greek authorities have not yet designated suitable sites. Discussions are still ongoing between the UNHCR and the Greek authorities regarding the provision of more sites for the construction of dedicated relocation centers, notably in the Attica region. As mentioned in the 4th Report, these sites should be designated urgently to avoid bottlenecks in the relocation workflow following the mass pre-registration exercise>>²⁸.

²⁶ The scheme information is available on: http://europa.eu/rapid/press-release_IP-15-6316_en.htm.

²⁷ Commission Recommendation addressed to the Hellenic Republic on the specific urgent measures to be taken by Greece in view of the resumption of transfers under Regulation (EU) No. 604/2013, C(2016) 3805.

²⁸ The report is available on: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/fifth_report_on_relocation_and_resettlement_en.pdf.

For these reasons, among others, the reception conditions in Athens remain very precarious and inhuman. Moreover, it was reported that no attention was paid to people with vulnerabilities, special needs and cases of sexual violence.

Despite the lack of results of the actions of international organizations, Greek government and EU institutions to address reception conditions, a big support to migrants and asylum seekers is being offered by social and political movements, called “solidarity movements”. Many of them have illegally occupied some buildings in the city center and equipped them in order to host a high number of asylum seekers. One of them is the City Plaza Hotel, in the Exarchia district, which currently hosts more than 400 migrants. Around 200 of them are children under the age of 10 years old. The City Plaza Hotel offers rooms, beds, food, school for children and has a strong plan for social activities. Also, people helping the City Plaza Hotel were preparing the kids living in the Hotel so that they could start going to the school in the upcoming scholar year of 2016 that was about to initiate.

- **On the islands - Chios**

Chios hosts 3,316 migrants (data updated until 31 August, 2016), the major reception conditions faced by these migrants are related to the scarce security, the poor living conditions, the minimal food safety of the population and the lack of activities or educational programs where to occupy their time.

- **Security conditions reported in Chios**

The security situation in Vial, Souda and Dipethe is precarious, as stated by the UNHCR official. The overcrowded situation, people belonging to different nationalities who bring their also differences with them and the poor living conditions in which they are forced to live, make that conflicts and high tensions are on the everyday Chios’ agenda. To illustrate the poor security situation, a murder occurred in the Souda camp on the 1st of July, 2016. It is reported that an Egyptian man was stabbed by another Egyptian for unknown reasons. It seems that no formal complaint was registered by the Police or recorded by the press and no one showed up as a witness, but everyone in Souda knows about the accident.

The overcrowded conditions in which migrants live in the centers of Vial, Souda and Dipethe are a major detonator for such conflicts, which many times are an expression of the discontent of the people. In the governmental center of Vial there are more than 1250 people, while its capacity is of only 1100. This, makes fights between the different communities a common thing in Vial, mostly between Syrians and Afghans, Algerians and Egyptians. It is also reported that smaller communities such as Eritreans, who are around 40 people, live there. In the Souda camp, the UNHCR officially estimates the presence of around 700 persons. In reality the numbers are much higher, also because since the first week of August the number of new arrivals increased. Asylum seekers themselves stated that there are at least 900 persons living in Souda camp and more than 300 in Dipethe.

In the other hand, there is an important tension among migrants with the local community, affecting in a great manner the already precarious reception situation of the island. Residents of Chios have started complaining and protesting against the presence of migrants and asylum seekers on the island. The urban context of the informal camps in Chios (Souda and Dipethe) is that they are both situated in the very center of the town, highly visible and next to the historical Chios Castle, therefore there is a constant and unavoidable interaction among residents and migrants. Souda camp is a few meters from the port and Dipethe is just next to it. An episode similar to the Arson one that happened on June 6 in Souda²⁹ occurred to the warehouse of the Zaporeak kitchen, an independent association which provides daily lunch to migrants living in the Souda and Dipethe camps. The place was vandalized during the night of August 15 and all of the 1,300 meals that the kitchen were producing everyday, were inedible the day after.

- **Living conditions**

Regarding the installations of the camps, Souda camp is mostly made out of tents. Very few containers are provided to families, with the consequence that many have no other option than to perpetually live in tents. Most of them are provided by UNHCR and are old, reused and dotted with holes that do not protect against the rain. In Dipethe some tents are located on the outside, near the street, whereas a few are put inside the ancient Genovese fortification. NGOs offices are placed in the toilet areas of this fortification. In Souda camp, there are 8 toilets and 12 showers for the entire population of the camp (about 1000 persons spend the day in the camp, including people daily coming from Vial by bus); while in Dipethe there are 4 toilets and 6 showers for about 300 or 350 persons. Such situation creates hygienic problems and aesthetic disappointment for the locals. Although, it is obvious that the lack of hygiene and cleanliness also derive from the poor living conditions in which these people find themselves.

Local authorities have been slow to provide both camps with round-the-clock electricity and hot water. Also, free Wi-Fi is rarely available: this service is essential for asylum seekers, in order to have the chance to inquire about their rights and keep in touch with their families. Furthermore, since they fled from the war and spent all their money for crossing the sea and land to Europe, refugees may find themselves without any money. Thus, events of robbery and stealing occurred more than once both inside or outside the camps. They do not receive any cash assistance and it is worth to underline that there is a current discussion going on about whether to provide migrants with pocket money.

The municipality of Chios has two persons whose role is to maintain relations with the media and communicate with the local residents, in order to keep the situation under control. The UNHCR has also provided a cleaning team, since the urban impact of the two informal camps on the city is great. They try to keep the spaces clean and to empower the asylum seekers themselves on this hygienic issue. Migrants sleep on the floor for months, most of the time there are entire families

²⁹ Arson, which procured the destruction of most of the UNHCR and NGOs facilities and of the small building in which English lessons for children were held.

of 5 to 8 members sleeping in the same container or tent. They eat, sleep and many times even cook, with the risks that it poses in a closed tent, in the same place. They do not have table nor chairs.

People from the UNHCR gave us an unofficial preview about a plan of closing the camp of Dipethe and moving its inhabitants, together with those living in Souda, to a new camp placed around 4 km from Chios center named "Daughter Bridge" (near the Korakaris mountain, Kampochori, Chios).

The general feeling of migrants living in the camps is that the UNHCR, NGOs and national authorities could certainly do much more to improve such environment and to provide these people a better or at least a decent temporary life. This same feeling feeds the idea that there is a hidden political will to maintain the status quo in order to use it as a deterrent not to encourage new arrivals on the island. In other words, there is the implicit intention of maintaining the inhuman, hard and poor living conditions that migrants face in the Greek islands as not to create a pull factor.

- **Food safety**

The other serious issue after the living and security conditions is the nutrition condition. The food in Vial is provided by the Army: it comes from containers arriving daily by ship from Athens and since the storage conditions are very bad, people from Vial use to come every day to feed themselves in Souda and Dipethe. Meals here are prepared by independent associations: Supreme Master Ching Hai Kitchen and Zaporeak kitchen, with the support of some NGOs like Drop in the Ocean (which deals with security), NRC (whose job deals with surveillance and mediation) and Samaritan's Purse (which gives economic support and mediation).

- **Education and activities for migrants**

Another big problem on the island is the lack of activities provided inside the camps both for adults as for kids. Regarding the kids, in order to flee from the war, most of the children and teenagers living in the camps had to suspend the frequency of their school and the fact of being stuck in the island does not allow them access to a proper education. The few educational activities that exists, are dedicated to little children in their majority, such as a swimming course organized by the UNHCR three times per week. But, there are lots of teenagers who have nothing to do the whole day, representing a vulnerable situation in an already difficult age. At least, during the last week of August the access to a youth center was opened to teenagers twice a week for 4 hours a day. Despite these few courses that are organized, they are not enough to grant them a full education.

Moreover, most of the asylum seekers do not speak a word of English, which is fundamental to them if they want to communicate with volunteers, local municipality, residents and police. On the other side, it is also true that it is not easy to involve people in such activities, since most of them only care about their legal procedure in order to go away from Greece and continuously look for more information.

Finally, it was reported that there is a plan from the Greek government to integrate kids to the national educational system for the scholar year that was about to initiate on the 11th of September. But, with the present living conditions of kids in the island, which includes not dominating the Greek language, it is very difficult that they would have access to formal education if they don't count with specialized support, as the one that the helpers in the City Plaza Hotel gave to kids, during the summer, and that ended up in those children being accepted into local schools in Athens. In general, it is a very difficult plan to be implemented systematically and there are no clear instructions yet, especially about the numbers, rooms, educational programs, etc. The authorities are currently waiting for more detailed instructions from the Ministry of Education.