



ASYLUM IN GREECE: A PRE- ANNOUNCED BLOCKADE

In-depth report detailing our
legal inspection in Greece
(2022)

ASGI
Associazione
per gli Studi Giuridici
sull'Immigrazione



SPAZI CIRCOLARI
Per la promozione del diritto alla
libera circolazione internazionale

INTRODUCTION AND NOTES ON METHODS

Greece has always been a frontier for access to the European Union, by land and sea alike. The intense migratory flows crossing the country, its Mediterranean location and geographical features have turned Greece over time into a full-scale laboratory for experimenting and perfecting the most recent European policies for managing migratory flows, applied differently between the islands and the mainland. The socio-political conditions in Greece also expose the country to political and economic blackmail. This is equally the case for neighbouring countries experiencing the same kind of pressure and similar phenomena. However, Greece is the most striking example.

In this context, our report details an inspection in Greece in June 2022. It aims to continue and update the [reports](#) based on [monitoring](#) activity in recent years by the ASGI and Spazi Circolari associations. The inspection was organized as part of the “Scuola di alta formazione per operatori legali specializzati in protezione internazionale, tutela delle vittime di tratta e sfruttamento di esseri umani e accoglienza di minori stranieri non accompagnati” (“Advanced training school for legal operators specialised in international protection, protection of victims of trafficking and exploitation of human beings and reception of unaccompanied foreign minors”), organised by Spazi Circolari and ASGI. The inspection took place under the rigorous guidance of ASGI members Cristina Laura Cecchini, Salvatore Fachile, Vittoria Garosci, Loredana Leo, Federica Remiddi, Thomas Santangelo and Francesco Sicilia. A number of students attending the 5th, 6th and 7th editions of the School also took part: Greta Albertari, Elona Aliko, Marco Anselmi, Susanna Azzaro, Federica Baroni, Anna Berlingeri, Edgardo Bisceglia, Valentina Brun, Laura Cafiero, Marta Catanese, Manuela Cau, Alice Chiarei, Martina Ciardullo, Laura Ciccaglione, Francesca Cimino, Natalia De Andrade Tucunduva, Serena Denti, Andrea Di Bello, Manuel Donadi, Simone Grasso, Chiara Guagliardi, Cecilia Guida, Attah Jacob, Angela Maria Lamacchia, Fiorella Liotti, Marta Lops, Ginevra Maccarrone, Giulia Manfredi, Cesare Mariani, Stefania Marra, Alessia Melillo, Micaela Olivieri, Franca Pagani, Diletta Pamelin, Anna Pellegrino, Elena Principe, Luigi Rendina, Laura Ruggiero, Chiara Salvini, Silvia Sbrighi, Benedetta Schiavone, Mariagrazia Simmini, Claudia Spirito, Chiara Tucci, Gioia Vicinanza, Sara Visintin and Lourdes Zullo.

The research focused on studying and analysing the legislative provisions and practices concerning the right of asylum as implemented throughout Greece, with particular regard to access to the international protection procedure, border management, administrative detention and the role of organizations operating in the area. The research group was divided into six subgroups to perform inspection on the islands of Chios, Samos and Kos, and in the Evros, Athens and Thessaloniki areas. This report is therefore based on interviews with the people we met. In this regard, and with a view to neutrality, we have sought as far as possible to differentiate between institutional subjects, international organizations and non-institutional subjects, such as non-governmental organizations, lawyers and legal operators, and people working in the solidarity sector. In particular, the following interviews took place: Arsis, Assist Asylum Seekers Information Services Team (A.Ss.I.S.T.), Avocats Sans Frontieres, Border Violence Monitoring Network, Caritas Greece, Chiaki Sympolitea, City of Athens - Directorate of Social Solidarity, Cooperativa Sociale Bedreddin, Diotima - Centre for Gender Rights & Equality, DRC Danish Refugee Council, EKKa National Center

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for Social Solidarity, ELENA European Legal Network on Asylum, Equal Legal Aid, Equal Rights Beyond Borders, Fenix aid, Flying Help, GRC Greek Council of Refugees, HIAS Greece, Human Rights 360°, Human Rights Legal Project, I Have Rights, Institute of Current World Affairs, Integration Center for Migrant Workers - Ecumenical Refugee Program, International Rescue Committee Intersos, IOM International Organization for Migration, Irida, Women Center, Just Action Samos, KEDU (UNHCR), Metadrasi, Mobile Info Team, MSF Médecins Sans Frontières, Municipality of Thessaloniki, Offende Arme, Open Assembly Evros, Quick response team, Refugee Biryani Bananas, RLS Refugee Legal Support, RSA Refugee Support Aegean, Salvamento Maritimo Humanitario, Samos Volunteers, Selfm-aid, Solidarity Chios, Solidarity Now, Still I Rise, UNHCR (Offices in Athens, Chios, Kos, Thessaloniki and Samos), Vasilika Moon.

This report provides statements by interviewees, backed up in some instances by public information that can be traced and consulted through the hyperlinks given in the footnotes.

In order to protect efforts made in the area, we decided not to associate the information provided to specific subjects but rather to summarise what emerged during the interviews. Moreover, the names of interviewees who asked to remain anonymous are not included in this report.

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INFORMAL AND DEFERRED PUSHBACKS ON THE ISLANDS AND THE RIVER EVROS

Monitoring, meetings and interviews on the islands of Samos, Kos and Chios and the Evros region highlighted - as well-known facts - unlawful pushbacks of migrants and asylum seekers attempting to enter Greece. The meetings highlighted important discrepancies between the declarations of Greek authorities and institutional figures and the reports by members of NGOs or civil society subjects engaged in various capacities to support people seeking to enter Greece.

Informal pushbacks are a well-known practice and have been denounced for some time. This was mentioned, among other things, in the April 2022 report by Human Rights Watch, which demanded clarifications from Greek authorities.¹

In the response attached to this report, Greek Police Headquarters said that certain protection and surveillance measures have been implemented along the external borders of the European Union. The intention is to safeguard them not only from illegal crossings, but also from organized cross-border crime in the form of people smuggling and other threats where migrants are exploited by third countries. The activities put in place for this purpose also involve Frontex and include: *“a) surveillance and control of the Evros border through maritime and coastal patrols, as well as patrol vessels and modern technical equipment for prompt detection of attempts to cross the border illegally by third-country nationals; b) timely notification to Turkish authorities to identify illegal attempts to cross borders before entering Greek territory.”* With reference to specific allegations involving three informal border pushbacks in the Evros area, Greek Police Headquarters merely reported that investigations are still underway.²

UNHCR also seems to be aware of these pushbacks and even to have launched an investigation. In addition, the UNHCR officials we interviewed said that an emergency number had been activated for people in distress at sea. The official High Commissioner website lists several contacts, including a Protection Helpline active only for the island of Chios. It does not specify whether this is specifically for reporting such situations at sea.³ However, emergency communication is not followed up with direct intervention by UNHCR operators, but only with notification to Greek authorities for their intervention. This is also confirmed by certain NGOs active in the area. However, they also report that this practice risks causing further pushbacks.

Such pushbacks are documented on the islands as well as the mainland, and interviewees mentioned a number of common aspects. In particular, general practice seems to involve contacting Turkish authorities to request their intervention; the involvement of unidentifiable police officers, at times in civilian clothes wearing balaclavas - known as "black men"; even

¹ See Human Rights Watch report available at the following link: https://www.hrw.org/sites/default/files/media_2022/04/greece0422_web_0.pdf.

² Ibid., pages 30-36.

³ See UNHCR Website, Help Greece - Contact us: <https://help.unhcr.org/greece/contact-us/>.

other migrants - on the promise of stable, long-term stay permits - are involved in these pushbacks.⁴

At sea

Pushbacks are apparently performed by the Greek Coast Guard in collaboration with Frontex, which has two vessels - one in Chios and one in Samos - which patrol these seas intensively. The non-institutional subjects we interviewed report various ways in which pushbacks are implemented: armed threats, sabotaging the dinghies (air chambers are punctured or the engines are tampered with) and creating waves to push them back towards Turkey. The practice of pushbacks at sea was confirmed in all interviews on the islands of Samos, Kos and Chios. It is so consolidated that on 23 May 2022 about 590 people were pushed back into the sea on nine boats.⁵ Civil society figures say they have mobilised to tackle this utterly illegitimate practice. In particular, a group of organisations including the Human Rights Legal Project and MSF, in collaboration with Alarm Phone, implemented SOPs (Standard Operating Procedures) to signal the arrival of boats to all authorities involved and thereby reduce the risk of pushbacks.

There are also reports of pushbacks against people who have already landed. There also seem to be numerous cases of disappearances, for example of people who never reached the reception centre once the precautionary quarantine ended (for more information, see the next paragraph). In this case, pushbacks apparently involved being accompanied offshore into international or Turkish waters, where migrants were then left on small boats or emergency rafts utterly unsuitable for navigation. Turkish authorities were then notified for their intervention.

Along the River Evros

The River Evros border with Turkey is intensely militarised and constantly monitored, so much so that approaching it was discouraged by the people we interviewed, who mentioned a very high risk of arrests. Frontex agents and Greek soldiers are equipped with high-tech tools, including heat scanners to identify people at night.

People who attempt to enter Greece here are generally intercepted on the Evros delta or the scrub near Pheres. Following interception, Turkish police would be contacted; and if there is no response, deterrent mechanisms would be triggered: searchlights, helicopters and sirens to scare anyone attempting to cross.

⁴ A few days after our visit, the matter was discussed in an investigation conducted by LightHouse Reports: https://www.lighthousereports.nl/investigation/we-were-slaves/?fbclid=IwAR0U8IE1VjEvcF-AR3yo2NxO3kR87gVQMshTaeUM6iwVmkq5AzvccE_oPpg.

This news was also shared by international and Italian newspapers, such as:

The Guardian, <https://www.theguardian.com/global-development/2022/jun/28/greek-police-coerce-asylum-seekers-pushbacks-migrants-turkey>;

Le Monde, https://www.lemonde.fr/en/international/article/2022/06/28/video-investigation-into-the-greek-police-s-use-of-slave-migrants-to-push-back-other-migrants_5988235_4.html;

Internazionale, <https://www.internazionale.it/video/2022/07/13/polizia-greca-migranti-schiavitu>.

⁵ See <https://www.euronews.com/2022/05/23/greek-coast-guard-intercepts-nearly-600-migrants-arriving-from-turkey>.

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People apprehended after crossing the border are reportedly deprived of their possessions, telephones and documents, taken to often unknown detention centres, subjected to beatings, physical and verbal intimidation, without receiving any information, legal assistance, food or water. No documents are issued and, all told on the same night or after just a few days, they are taken back to the river and pushed back towards Turkish territory.

The immediate outcome of these pushback practices at sea and on land is a drastic drop in arrivals on the Aegean islands. This is also demonstrated by the very low numbers seen in the Closed Control Access Centres (see the specific paragraph) at the time of our inspection. People reportedly attempt the journey up to ten consecutive times only always to be turned away by the authorities, resulting in repeated trauma and violence.

In general, as regards pushbacks, a significant discrepancy emerges between what the Greek authorities and other institutional actors claim and what is reported by NGOs and legal and solidarity operators in the area. On the one hand, institutions support their work in defence of national and European borders with the support of the European Union and, in operational terms, of Frontex. They claim to follow procedures that respect human rights and international treaties and categorically deny violation of the *non-refoulement* principle and the use of violence. On the other hand, groups supporting migrants and asylum seekers mention systematic use of violence, disappearances, unlawful arrests and detention in unknown places, as well as pushbacks. Moreover, the confiscation of telephones and documents of intercepted persons makes access almost impossible to tangible evidence whereby effective action can be taken against these practices.

DETENTION OF THIRD-COUNTRY NATIONALS, STATELESS PERSONS AND ASYLUM SEEKERS

Pursuant to Article 39 of Greek law on the right to asylum no. 4636/2019 (hereafter "IPA"), *"all third-country nationals and stateless persons, who enter the country without legal formalities or who stay without legal formalities and do not prove their citizenship and identity with a document issued by a public authority, are subject to reception and identification procedures. These persons are immediately taken by the police or port authorities in charge to a Reception and Identification Centre."*⁶

⁶ See Article 39, Law no. 4636/2019 (Greek IPA) "On international protection and other provisions": <https://www-e--nomothesia-gr.translate.goog/kat-allodapoi/prosphuges-politiko-asulo/nomos-4636-2019-phek-169a-1-11-2019.html? x tr sl=el& x tr tl=it& x tr hl=it& x tr pto=sc>.

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"Reception and Identification Centres" (RICs) - Κέντρο Υποδοχής και Ταυτοποίησης (ΚΥΤ) are temporary accommodation facilities designated as regional offices of the reception and identification service. People remain here - in a regime of restricted personal freedom - for a maximum period of 25 days or in any case until they have gone through the identification procedures and access pre-registration of their application for international protection, which will then be registered by the Asylum Service.

Focus: the RICs of Filakyo and Chios

"Reception and Identification Centres" are the old model of initial identification and reception structures and will be superseded by more modern "Closed Controlled Access Centres". They are agglomerations of containers surrounded by high fences and barbed wire, largely located in places far from inhabited centres.

The Chios RIC is an open centre, where administrative detention is not practised, since the facility is unsuitable for detention. It is divided into four reception areas, one of which specifically for unaccompanied foreign minors. The latter is called the "safe area". Although the director of the centre reports that access by adults is prevented and reception standards required are met, the people we interviewed stated that minors of all sexes are kept in the same area, surveillance is only assured during the day, there is no electricity and consequently no air conditioning, no mattresses and other basic necessities.

The Fylakio RIC, in the Evros area on the Greek-Turkish border, has a capacity of 330 places. The director of the centre said that it is divided into six sections, with five departments managed by the director in person: management, information, medical-psychological support, a section for compiling and registering the asylum application and the centre security section. The Registration and Identification Department has 34 employees and 9 assigned policemen, while External Security has 36 assigned police officers. The following organisations are present and operate at this RIC: UNHCR, IOM and three NGOs (Axis, Metadrasl and HR 360). The centre apparently has a lawyer from the Greek Refugee Council.

Although presented only as a place for transit and identification of people, in reality it is a detention centre. The RIC is flanked by a structure arranged into groups of containers, marked off by very high barbed wire fences and equipped with various control technologies. According to the centre staff we interviewed, the facility - originally intended to be a pre-removal centre - is now used as a place for "*pre-screening*" and is used only when the RIC reaches its maximum possible capacity, thereby becoming a way to prevent overcrowding in the main centre. In reality, a lawyer we interviewed (who prefers to remain anonymous) confirmed that this facility is used as a pre-removal centre, and reported that people who have not applied for asylum or who have been rejected are detained there. She also reported that when there are no more places in the RIC people are temporarily allocated to this structure, albeit in separate areas.

In the Fylakio pre-removal centre, detainees stay in group cells and can only go out for one hour. The lawyer indicated that this form of detention is in any case better than in police stations, where many people are taken to have their international protection application registered, which can only be presented after the initial reception and identification stage.

After the pandemic emergency, all incoming people are subjected to preventive quarantine, which at the time of the inspection was apparently five days, unlike the recent past when it was fifteen days. Quarantine takes place in specific facilities, often outside the centres and set up with emergency equipment. People are not allowed to leave this facility, which is accessed - in addition to the police - only by state medical personnel (apparently only to take swabs). People in quarantine, however, are not registered as asylum seekers by the Greek authorities until the end of the quarantine period.

Focus: the new Close Controlled Access Centres in Kos and Samos

For the first time, participants in the research project were allowed access to some of the new "Closed Controlled Access Centres" (CCAC) - Κλειστές Ελεγχόμενες Δομές Νήσων (Κ.Ε.Δ.Ν). These facilities are intended to replace the "old" Reception and Identification Centres (RIC). In particular, the CCACs in Samos and Kos were accessed (whereas the CCAC in Chios is currently still identifiable as a RIC).

These structures are effectively prisons built on the Aegean islands: the interiors of these facilities are divided into areas separated by fences and potentially can be completely isolated from each other. They are designed simultaneously to perform the functions of reception and identification centres, closed temporary reception centres and pre-refoulement detention centres (so-called "*pre-removal centres*"). Numerous inconveniences and problems concerning their location have been reported: total isolation from inhabited centres, absolute lack of green and/or shaded spaces, systematic lack of running water, impossibility of using local public transport.

In particular, the CCACs in Kos and Samos are, for the Greek Government, full-scale flagships of the new model of reception and detention of migrants, as can also be deduced from the presentation of the Samos centre on the official website of the Greek Ministry for Migration and Asylumⁱ and in the press release of the European Commission about the Samos centre.ⁱⁱ

The CCACs are managed by the regional reception and identification services and the Director is in charge of Administrative Assistance, Medical Control, Psychosocial Support and Information Sections. The director also supervises operations in the area where persons awaiting repatriation are detained (so-called *pre-removal centre*). This, however, is managed and supervised internally by the Greek police, whose presence in the CCAC appears to be limited to this area, since internal surveillance and entrances are supervised by private security organisations.

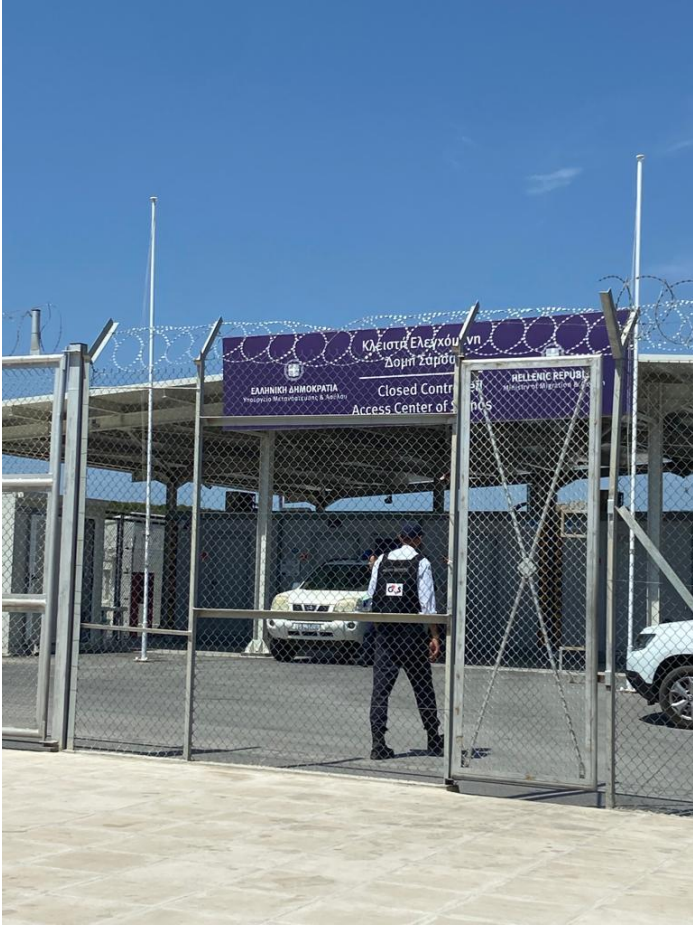
Fully funded in EU budgets, these CCACs ought to provide decent living conditions for people applying for international protection. However, they are to all intents and purposes more like detention institutions: they comprise containers divided into areas separated by high gates and surrounded by a double security fence.¹ This, combined with the installation of control systems at the entrance such as turnstiles, magnetic gates, X-ray, and two-factor access control system (ID and fingerprint), ensures very tight control both inside the facility and at entrance/exit areas. In addition, a surveillance system (CCTV) covers the entire area. It uses intelligent software and can send notifications and images to the *Local Event Centre*, the *Control Centre* in Athens and the Control Centres of other institutions (e.g. Greek Police).

The personal freedom of residents, who are subject to constant surveillance, is limited to the times defined and decided by the director of the centre. An electronic card system is used for entry and exit. Timetables, as well as overnight stay in the facility, must be upheld. Moreover, possessing this card - in theory assured to all asylum seekers but, from what emerged, often not issued to them - allows people to leave and enter the centre. International organizations and solidarity operators can access the CCAC only after registration and authorisation by the Director; the same provision applies to lawyers, who do not seem to have suitable space even to ensure the confidentiality of interviews. The interviews we carried out revealed that some NGOs have decided not to operate inside the centres - to avoid *de facto* legitimisation of detention of people held inside by their presence - while others have agreed to access them to provide services and assistance that are at times not available.

ⁱ<https://migration.gov.gr/nea-kleisti-elegchomeni-domi-samoy-enimerotiko/>

ⁱⁱhttps://home-affairs.ec.europa.eu/news/opening-first-new-reception-centre-samos-zervou-2021-09-28_en

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Entrance gates and fences at the CCAC in Samos

All photos were taken in Greece in June 2022

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External view of the CCAC in Samos

All photos were taken in Greece in June 2022

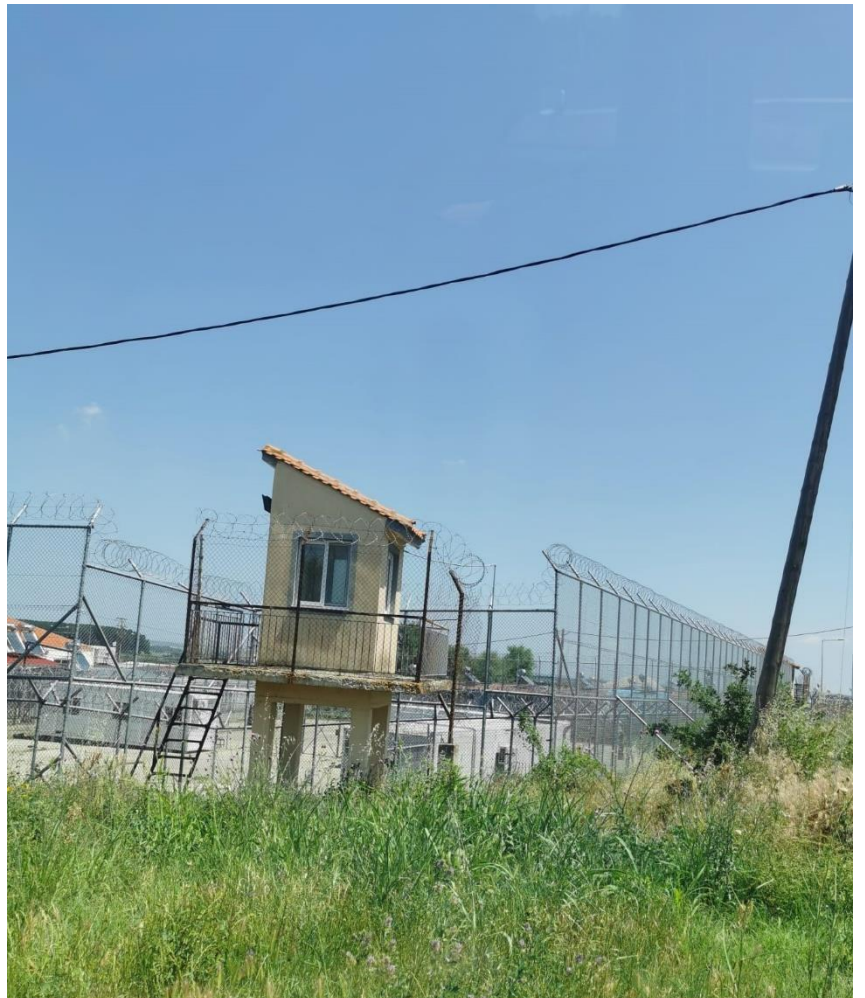
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Entrance gates and fences at the RIC in Chios

All photos were taken in Greece in June 2022

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Control tower and fences at the RIC in Chios

All photos were taken in Greece in June 2022

Detention

The IPA itself also envisages the possibility of detaining asylum seekers for one of the following five reasons:

- 1) to determine their identity or nationality;
- 2) to determine the aspects on which application for international protection is based, which may otherwise be unobtainable, in particular when there is a risk of absconding by the applicant;
- 3) when objective criteria clearly establish that there are reasonable grounds for believing that the applicant is submitting an international protection application for the sole purpose of delaying or frustrating repatriation, if it is likely that the execution of this measure may be jeopardized (e.g. if access to the asylum procedure has already occurred);
- 4) when it constitutes a danger to national security or public order; and, lastly,
- 5) when there is a serious risk of absconding by the applicant, in order to ensure the execution of a transfer decision under Dublin III Regulation.

Concerning the risk of absconding for the purpose of detaining asylum seekers, the law refers to a non-exhaustive list of criteria including, for example, the fact that the person does not have travel documents or other identity documents.⁷

Detention in the so-called *pre-removal centres* is based on an order issued by the chief of police. The maximum duration of detention is 50 days. It may be extended from time to time for a further 50 days up to a maximum of 18 months.⁸ However, the terms of detention of asylum seekers differ from those for third-country nationals who have had their request for international protection rejected or have not presented one. In relation to so-called pre-removal detention, Greek legislation ratifying the Repatriation Directive envisages a maximum period of detention which cannot exceed six months, with the possibility of an exceptional extension not exceeding twelve months in the event of non-cooperation by the third-country national concerned, or delays in obtaining the necessary documentation from third countries.⁹

If detention is extended, the extension order is sent to the President of the first level Administrative Court who has territorial jurisdiction over the detention site where the applicant is held. The President then decides the legitimacy of the measure by immediately

⁷ See Article 18(g), Law no. 3907/2011 “On the establishment of an asylum service and first reception service, ratification into Greek legislation of Directive 2008/115/EC on common standards and procedures in Member States for the return of third-country nationals whose stay is irregular and other provisions”, referred to in Articles 46(2-b) and 46(3-b) of the Greek IPA: <https://www-e--nomothesia-gr.translate.google.com/kat-allodapoi/prosphuges-politiko-asulo/nomos-4636-2019-phek-169a-1-11-2019.html? x tr sl=el& x tr tl=it& x tr hl=it& x tr pto=sc>.

⁸ See Article 46, Law no. 4636/2019 (Greek IPA) “On international protection and other provisions”: <https://www-e--nomothesia-gr.translate.google.com/kat-allodapoi/prosphuges-politiko-asulo/nomos-4636-2019-phek-169a-1-11-2019.html? x tr sl=el& x tr tl=it& x tr hl=it& x tr pto=sc>.

⁹ See Article 30(5-6) Law no. 3907/2011 “on the establishment of an asylum service and first reception service, ratification into Greek legislation of Directive 3907/2011/EC on common standards and procedures in Member States for the return of third-country nationals whose stay is irregular and other provisions”: <https://www.refworld.org/docid/4da6ee7e2.html>.

issuing his decision in a short report.¹⁰ Many people interviewed argued that the procedure is highly problematic and ineffective and that validation is automatic.

Despite the regulatory provision, interviewees reported that no repatriations had taken place at the date of the inspection, given the lack of agreements with third countries. Inasmuch, at the end of detention people are released, albeit subject to geographical restriction with limitation of freedom of movement only to the island itself, unless they are given - as in some cases - a permit to go to mainland Greece (a kind of expulsion order issued by police authorities).

The organisations interviewed reported, at the time of our visit, that the maximum duration of detention in the *pre-removal centre* at the Kos CCAC seems to have been six months, except when the detainee's asylum procedure was pending. No detentions for repatriation purposes are implemented on the island of Samos. On the island of Chios, detention envisaged by law for the identification period and after rejection of the appeal following denial of protection is not applied. In fact, the camp is open and has no facilities suitable for detention. In the past, people detained following rejection of an appeal were transferred to the Moria camp on Lesbos. Following a fire in September 2020, all forms of detention also seem to have ceased on the island of Lesbos.

ACCESS TO THE ASYLUM PROCEDURE IN GREECE: A RIGHT DENIED BY PRACTICE

Access to asylum procedures is a structural and endemic problem in Greece. The differences between asylum procedures implemented on the Aegean islands, in the Evros region and on the mainland also have repercussions on modes of access to the procedure itself. The various regions of Greece do not present the same dynamics and procedures (formal and informal) for accessing international protection applications, nor the same critical aspects.

The Aegean islands are characterised by almost automatic access to the procedure, except for the increasingly frequent cases of refoulements mentioned above and the application of the admissibility procedure envisaged by the Joint Ministerial Decision (JMD) 42799/2021 (which will be discussed below). Unlike the Italian hotspot model, whereby all persons are required to fill in a file which will be used to channel them into alternative asylum or refoulement procedures, Greece has not introduced such a 'screening' mechanism. All persons arriving on the islands are transferred to the Reception and Identification Centres (RIC or CCAC), where they are subjected to the identification and pre-registration procedures required for international protection applications. However, the preparation of extremely rapid asylum procedures risks leading only to summary assessments (see also the paragraph discussing vulnerability).

¹⁰ See Article 30(3) Law no. 3907/2011 "On the establishment of an asylum service and first reception service, ratification into Greek legislation of Directive 3907/2011/EC on common standards and procedures in Member States for the return of third-country nationals whose stay is irregular and other provisions": <https://www.refworld.org/docid/4da6ee7e2.html>.

On the other hand, similar automatism are not seen in mainland Greece, where access to applications for international protection has been a problem for some time. As of 2014, it was regulated by a system involving pre-registration and registration of the intention to seek asylum through Skype interviews with the Asylum Service.¹¹ However, this system always involved enormous problems, such as inaccessibility for people who do not have smartphones or internet access; such access difficulties were compounded by slow registration, with average waits of 14 months before being able to present a formal application for international protection.

The recently introduced system seems to have exacerbated rather than solved this situation.

Recent regulatory reforms concerning access to asylum in mainland Greece, Crete and Rhodes

Faced with a progressive increase in arrivals by land during 2020 and 2021, on 22 November 2021 the Secretary General for Immigration Policies of the Ministry of Migration and Asylum issued a Circular¹² detailing significant changes for presenting applications for international protection in mainland Greece, Crete and Rhodes.

The new legislation eliminated the two-step registration process applied on the mainland since 2014. It became compulsory for everyone entering Greece irregularly - or already living there without documents and unable to demonstrate identity and nationality through a document issued by a Greek authority - to undergo the reception and identification procedures referred to in Article 39 of the International Protection Act (IPA) at one of the six Reception and Identification Centres in Greece. This circular clarifies that asylum seekers entering Greece via the mainland cannot be registered in the Reception and Identification Centres on the islands but only through mainland RICs. It also guarantees that new facilities will be opened quickly to deal with the inevitable increase in registrations.

The previous system of pre-registration via Skype has not been completely abolished, but currently plays a residual role as a procedure only for people considered to be vulnerable¹³ and to submit repeat applications.

Although the amendments to the Circular dated 22 November 2021 were introduced - officially - to offset the shortcomings of the Skype-based pre-registration system, the reform has made it even more complex, if not impossible, to access the asylum procedure for persons arriving in Greece across land borders without having been previously registered with an RIC.

An initial problem involves the lack of Reception and Identification Centres on the mainland: although the Greek Government ensured that new Centres would be opened quickly, no new facilities have yet been established eight months after the introduction of the reform. Inasmuch, in mainland Greece at the time of our inspection there was just one Reception

¹¹ The procedure for arrivals by land was divided into two stages: a pre-registration procedure via Skype and a subsequent appointment to complete registration at a Regional Asylum Office.

¹² See [migration.gov.gr](https://bit.ly/3zMvyjg), Διαδικασία Υποβολής Αιτημάτων Ασύλου, available at this link: <https://bit.ly/3zMvyjg>.

¹³ However, vulnerability certificates are only valid if issued by a public body. Yet, access to public facilities is problematic for people illegally present in Greece. In this regard, see chapter no. 5.

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and Identification Centre in Orestiada-Fylakio (Evros region), with a reception capacity of 330 places. This formally appeared to be the only mainland site where it was possible to apply for international protection in person.

However, the fundamental problem with the Fylakio RIC mentioned by several people interviewed concerns the fact that the Evros Centre did not accept *self referrals*, and therefore did not allow individual and spontaneous asylum applications to be submitted; previous institutional *referrals* were required. Finally, it must be added that travelling to the Fylakio RIC is extremely dangerous, since it is close to the Turkish border and there is a very high risk - as confirmed by numerous testimonies - of being arrested and sent back to Turkey.¹⁴

Since it was impossible to access the Fylakio Reception and Identification Centre, at the time of the inspection the only possibility in practice - albeit limited and risky - to register asylum requests in mainland Greece involved self-reporting irregular status to the police to obtain a police note.

The police note, known as the *kharti* in jargon, is a document issued by the police to third-country nationals who have no legal basis for staying in Greece. As a rule, the note grants third-country nationals a standard period of up to 25 days to leave Greece voluntarily. Police notes are only issued after a person's identity has been verified and fingerprinted while in custody.

Until the deadline for leaving the country voluntarily has expired, the person cannot be expelled or arrested again for irregular entry and can - only if this document explicitly refers to the person's intention to seek asylum - go to the Regional Office Asylum Office to present an application for international protection. The mention to request international protection appears, from the testimonies collected, to take place in a completely arbitrary manner. Persons who receive a police note are not informed of the possibility of requesting international protection and, even if they do so independently, oral requests are not always reported in the documentation issued, thereby preventing formal submission of an application for international protection.¹⁵

In the majority of cases, this paradoxical procedure not only involves detention of applicants for a discretionary period that varies from a few days to several months, but does not even ensure effective presentation of applications for international protection.

In addition to the virtual certainty of being detained, it must be repeated that anyone illegally present in Greece who is subjected to detention by police authorities runs an enormous risk of being transferred from the place of detention directly to the Evros area, being abused and informally sent back to Turkey.

In addition, we also found a significant inconsistency between theory and practice in this regard.

¹⁴ On this point, refer to chapter no. 1 in this report (INFORMAL AND DEFERRED PUSHBACKS ON THE ISLANDS AND THE RIVER EVROS).

¹⁵ For more information, see Mobile Info Team, *Blocked from the System. Voices of people excluded from the asylum procedure in mainland Greece, Crete and Rhodes* (May 2022), available at: <https://www.mobileinfoteam.org/blockedfromthesystem>.

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In Athens, according to the interviews, police offices do not issue the so-called police notes but directly order irregular foreigners to be detained in a repatriation centre (pre-removal centre), where they will be able to apply for asylum - but with all the difficulties involved.

The lack of an assured, linear procedure for accessing requests for international protection, especially as regards mainland Greece as a whole, means that most people who arrive across the land border are trapped in a state of induced irregularity, stuck in what the operators interviewed define an authentic "legal limbo". These people actually fear any interaction with the authorities, being afraid they will be detained and deported, yet at the same time they are informed that the only viable way (perhaps) to access the asylum request is precisely by being detained. Similarly, the arbitrariness of the practices implemented by the administrations and forces of law and order does not make any of these forms of access to the procedure genuinely feasible, effectively depriving asylum seekers on the Greek mainland of this possibility. The effect of these regulatory reforms and their implementation - not the least through informal practices - progressively undermines the substantial scope of the right to asylum, access to which on the mainland is made so complex that the entire institution becomes progressively devoid of meaning and effectiveness.

It should be noted that the situation seen at the time of the inspection has since changed. As of September 2022 - almost a year after the circular introducing the changes was issued - two new centres in Diavata¹⁶ and Malakasa¹⁷ have become operational. There is no information regarding the possibility of spontaneously and independently submitting an application for protection or the need for an institutional *referral*.

Eligibility assessment for people arriving from Turkey - a safe third country

As anticipated, on 7 June 2021 the Greek government adopted the Joint Ministerial Decision (JMD) 42799/2021, whereby Turkey was designated as a "safe third country" for families, men, women and children of five nationalities (Afghanistan, Syria, Somalia, Bangladesh and Pakistan) requesting international protection in Greece.¹⁸

Consequently, asylum applications submitted by citizens of these nationalities in transit through Turkey are subject to a prior admissibility assessment. As reported by the people we interviewed, this assessment is made exclusively with reference to the period spent in Turkey and ties with that country, whereas the reasons behind leaving the country of origin are not be taken into consideration at all.

¹⁶ See [K.Y.T. Διαβατών | Υπουργείο Μετανάστευσης και Ασύλου \(migration.gov.gr\)](https://www.migration.gov.gr/).

¹⁷ See [K.Y.T. Μαλακάσας | Υπουργείο Μετανάστευσης και Ασύλου \(migration.gov.gr\)](https://www.migration.gov.gr/).

¹⁸ See. International Rescue Committee, *Press Release - Joint NGO statement on Greek government's decision to deem Turkey a "safe" country*, 14 June 2021: <https://eu.rescue.org/press-release/joint-ngo-statement-greek-governments-decision-deem-turkey-safe-country>. For more information about the critical issues arising from the application of the "safe third country" concept, use this link.

CRIMINALISATION OF MIGRANTS AND NGOS OPERATING IN THE IMMIGRATION FIELD

Criminalization of migrants

The reference legislation concerning aiding and abetting illegal immigration is Law 4251/2014, and in particular article 29. A series of aggravating circumstances in specific cases is also envisaged by the new penal code (Law 4619/2019).¹⁹

The first law in this context (Law 1975/1991) focused on punishing *traffickers*, identified as the material drivers of the means of transport used to bring people to Greece; the statutory limits (one year imprisonment for each person transported and a fine of 300 to 3,000 euros) were also much lower than those currently envisaged. Over the years, the penalties have become increasingly harsher, to the point of envisaging punishment of 10-15 years in prison per person transported.

Cases of exemplary punishments currently seem to be increasingly frequent.

By way of example, there is the famous case of Mohamad H., a Somali citizen, sentenced in the first instance to 146 years in prison in Lesbos²⁰; or K.S., a Syrian, also sentenced to 52 years in prison by the Court of Lesbos.²¹ However, it should be noted that, in accordance with the Greek penal code, the maximum effective prison sentence to be served is 20 years, since the law does not envisage life imprisonment. It seems to be quite clear that statutory sanctions, even without the application of aggravating circumstances, based on controlling borders and territorial integrity as the only protected legal asset, are rather high and unreasonable. The applicable aggravating circumstances, however, again envisaged by Law 4251/2014, mainly concern the number of people transported, endangerment of human life and if any deaths occur.

Organisations interviewed in Samos reported that a person is identified and systematically charged with the crime of aiding and abetting illegal immigration for every boat arriving on the island. This usually involves the person driving the boat or who was loaned the satellite cell phone; identification also takes place on an ethnic basis (for example, identifying a person who belongs to an ethnic group other than that of most passengers). As a result, around 10% of people arriving by sea on the island are prosecuted.

The average sentence given between 2017 and 2019 is reportedly 48 years in prison. It has also been reported that procedural assurances are continuously and systematically violated: detention sites may vary several times during the trial and are not always up to legal standards. Access to trusted defence is almost impossible and the trial usually lasts for less than half an hour.

¹⁹

See

https://www.kodiko.gr/nomologia/download_fek?f=fek/2019/a/fek_a_95_2019.pdf&t=a25c5af089b303113f7f0d472e9a35fc.

²⁰ See <https://www.borderline-europe.de/unsere-arbeit/lesbos-mohamad-h-zu-146-jahren-haft-verurteilt?l=en>.

²¹ See <https://www.independent.co.uk/news/world/europe/syrian-refugee-greece-lesbos-court-b1838166.html>.

Criminalization of NGOs

The legislation governing NGOs in Greece was implemented recently and can be found in Ministerial Decision no. 10616/2020 (Government Gazette 3820/b/9/9/2020). Greek legislation, since 2015, therefore envisages compulsory registration with the Ministry of Migration and Asylum for all NGOs that want to operate in asylum, immigration and social inclusion fields. The activities of unregistered NGOs are limited.²²

All the organizations interviewed - on the mainland and the islands - substantially provided the same feedback as regards the regulation and limitations of activity implemented.

The registration procedure is online and requires NGOs to produce copious documentation relating to the last two years of activity (consequently, if NGOs attempting to register have been active for less than two years they are automatically excluded). In particular, the projects and activities carried out in the previous two years must be documented, as well as accounting and reporting. All documents must be translated and certified in Greek: a procedure which, so we were told, in itself usually involves considerable economic resources and long waiting times. NGOs are also required to demonstrate the effectiveness of their activities in the previous two years, without specifying how this requirement is evaluated. There is also another register listing the names of NGO members, which must include not only the permanent members and collaborators of the organisation but also everyone who takes part even on a voluntary basis. The following data must be provided: name and surname, residential address, e-mail address, telephone number. There is also the obligation to notify the Ministry of Migration and Asylum of any changes within 24 hours and, if not communicated within this deadline, the organization risks being cancelled from both registers.

As reported by interviewees, it therefore appears evident that the request for such copious documentation is a barrier to entry for small NGOs, those established for less than two years and, in general, for all organisations with limited economic resources: consequently, they are all unable to operate legally in Greece.

As regards access to the registration procedure, acknowledgement of registration or exclusion of NGOs is reportedly affected by a very wide margin of discretion in the hands of the Ministry of Migration and Asylum - the competent authority in this area -, and in particular the Special Secretary, an official of the Ministry responsible for both registers. The decisions of the Special Secretary cannot be challenged and are adopted automatically.

Inasmuch, the contrast between Greek legislation for registration of NGOs and Community and European dispositions concerning freedom of association and the right to privacy seems to be self-evident. It must also be emphasized that this provision was adopted without following the standard parliamentary procedure, thereby with insufficient public consultation.

²² See Article 191, Law 4662/2020, Official Gazette A' 27/07.02.2020; *Joint Ministerial Decision (JMD)* 3063/2020, Official Gazette B' 1382/14.04.2020; Article 58, Law 4686/2020, Official Gazette A' 96/12.05.2020; *JMD* 10616/2020, Official Gazette B' 3820/09.09.2020. In this regard, see the comments and critical issues reported by Refugee Support Aegean available at <https://rsaegean.org/en/registry-of-ngos-working-with-refugees-and-migrants-in-greece-under-scrutiny/#1>.

All this implies that, on the one hand, as reported by some interviewees, the NGOs that have completed the registration procedure must adopt apolitical conduct and no longer operate in open conflict with the Government, since they are effectively subject to scrutiny by Government Authorities; on the other hand, organisations that are not included in the registers are severely limited in terms of their work, since if they continue to operate in the area they constantly run the risk of being forced to interrupt their activities. This climate of general criminalisation has led in both cases to severe limitations of activities previously conducted in Greece, and especially on the islands. In particular, it now appears that there are very few NGOs still operating on the islands, not the least because of increased pushbacks and the systematic detention of migrants in RICs/CCACs.

THE DENIAL OF VULNERABILITY BETWEEN REGULATIONS AND PRACTICE

Regulatory context

From reports by interviewees, it seems that the issue of recognizing the vulnerability of migrants is of fundamental importance in the context of the general restriction of the right of access to Greek territory and the asylum procedure. Recognizing the vulnerability of migrants would impose procedures and action adapted to needs, ensure full access to the right to asylum and greater attention from international bodies and public opinion throughout the procedure.

European Directive 2011/95/EU²³ concerning the right to asylum (Article 20, paragraph 3)²⁴ and Directive 2013/33/EU²⁵ (Articles 21²⁶ and 22 paragraph 1²⁷) indicate the kinds of

²³ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

²⁴ “When implementing this Chapter, Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, people with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.”

²⁵ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

²⁶ “Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive.”

²⁷ “In order to effectively implement Article 21, Member States shall assess whether the applicant is an applicant with special reception needs. Member States shall also indicate the nature of such needs. That assessment shall be initiated within a reasonable period of time after an application for international protection is made and may be integrated into existing national procedures. Member States shall ensure that those special reception needs are also addressed, in accordance with the provisions of this Directive, if they become apparent at a later stage in the asylum procedure.”

vulnerable people and others with special needs who must be appropriately and quickly identified and better protected in all stages of the asylum application assessment procedure. The IPA (articles 39, paragraph 5, and 58, paragraph 1) ratifies European legislation, identifying vulnerable subjects as: minors, unaccompanied minors, family members of shipwreck victims (parents, siblings, children, spouses), people with serious illnesses, cognitive or mental disabilities, elderly people, pregnant women, single women with young children, victims of human trafficking, torture, physical, sexual and/or psychological violence, victims of female genital mutilation.

In the subsequent law no. 4686/2020²⁸, however, the obligation to evaluate asylum applications of vulnerable people or persons with special needs ceased to be a priority. Moreover, people suffering from post-traumatic stress disorder (PTSD) were excluded from the group of vulnerable people, considerably reducing the number of people who can be considered as vulnerable and therefore ensured greater protection and a greater likelihood of receiving protection.

Illegitimate practices and failure to protect vulnerabilities

Although there is a well-defined list of categories of vulnerable people and others with special needs, these regulations do not envisage specific protection procedures and do not indicate methods of certification rendered impracticable by the asylum procedures themselves. According to the provisions of Article 61 of the IPA, identification of victims of torture, sexual violence or other serious acts of violence can only take place after obtaining a medical certification issued by a public hospital. Yet, according to reports by our interviewees, it is completely impossible to do so without being in possession of PAAYPA, a temporary number that functions like a health card.

In the practice that emerged from interviews with organisations, recognition of vulnerabilities varies both in relation to the local area and the various stages of the procedure and certification methods (as in the case of Unaccompanied Foreign Minors - UAMs). It seems to be effectively possible only as regards minors and/or obvious physical vulnerabilities.

In particular, the procedure for recognizing medical vulnerabilities requires possession of a certificate from the NGO MSF (where present) and EODY certification (National Public Health Organisation), as well as an additional medical examination by the public health system and validation by the magistrate. This process is generally very lengthy and is incompatible with the timing envisaged and adopted by the Greek Asylum Service for assessing asylum applications.

Furthermore, the condition of vulnerability seems to exclude application of geographical limitations but not of accelerated procedures.

Member States shall ensure that the support provided to applicants with special reception needs in accordance with this Directive takes into account their special reception needs throughout the duration of the asylum procedure and shall provide for appropriate monitoring of their situation."

²⁸ "Improvement of the migration legislation, amendment of Law 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) and other provisions" Government Gazette A' 96 /12-5-2020.

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From what emerged during the interviews, it seems that only self-identification by migrants as people with special needs or specific vulnerabilities - which in any case must take place very quickly within the formal asylum application - can achieve different treatment by the international protection system. However, it seems that the particular conditions in which vulnerable asylum seekers find themselves and the lack of proactivity on the part of Greek authorities as regards self-identification by the persons directly concerned, combined with the particular condition of subjection some of them experience (just think of victims of trafficking and severe exploitation), make starting a self-identification procedure very unlikely.

Immediate identification of possible vulnerability rests with the administration and therefore with the police. They are the only ones to come into immediate contact with people seeking international protection, on the mainland and after landing on the islands.

In the reception and identification centres (RIC) currently open in Samos, Kos, Chios and Evros, it seems that, after five days of isolation (quarantine), psychological screening is planned to verify the existence of vulnerability. With reference to access to procedures for vulnerable people, it was also reported that the initial screening on the island of Samos to verify vulnerability conditions is carried out by the National Public Health Organization (EODY). Recognition of vulnerability conditions makes it possible to leave the centre and be taken in hand by the public health system. Nevertheless, validation of the end of restrictions is still up to the police.

The same is reportedly the case for the RIC in Kos; on this island, however, there is no transfer from the RIC, but simple taking in charge - even after registration - of vulnerable cases by the EODY, except for medical needs that require hospital admission or transfer to the mainland. Some of the organisations interviewed, however, report that the health system in Kos is not particularly well-equipped for health emergencies, so much so that in March 2021 a 44-year-old man, originally from Guinea-Conakry, died in the centre.²⁹

The inspection and interviews with various institutional and non-institutional figures revealed that identification of vulnerabilities is not a priority. This reduces the number of certifications and effectively limits access to the right to asylum and protection of associated rights.

This contraction of the right to asylum occurs by excluding or not providing the identification of certain forms of vulnerability, such as PTSD, or by reducing the possibility of certifying a vulnerability, as with the obligation to provide certification issued by a public hospital in the absence of a health card.

The accelerated procedure for accessing asylum applications and the identification procedures effectively make it impossible to recognise vulnerabilities and special needs requiring specific care, squeezing the recognition of international protection and speeding up transfer procedures to third countries.

With reference to age assessments for unaccompanied minors, it seems that procedures and practices are extremely varied in each geographical context and often involve invasive

²⁹ See. <https://dm-aegean.bordermonitoring.eu/2021/03/26/another-death-in-prison-outrage-in-kos-detention-centre-after-medical-attention-withheld/>.

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methods that do little to safeguard minors. The age assessment process generally involves three stages:

- First stage: visit to the general practitioner in the RIC;
- Second stage: psychological screening;
- Third stage: analysis of wrists and dental arches in a public hospital.

On the island of Kos, it appears that age is mainly ascertained through an initial medical examination, a wrist X-ray and a specialist (non-psychological) medical examination. In some cases, the genitals may be measured as a means for ascertaining age. This latter practice was detected after 400 migrants landed on the island of Kos in October 2021 after being applied to 140 people who declared themselves to be minors. None of them, reportedly, were effectively recognized as unaccompanied minors. In Samos, on the other hand, it appears that standard procedures are not observed. Finally, in the Evros area assessments take place only by measuring the wrists.

In the event that age verification leads to non-recognition of minority age, an appeal against this decision can be made but the administration of the same RIC centre will decide matters. The appeal must be presented within five days of notification of the non-recognition decree, which seriously impedes such action. In 2021, all 15 appeals against decisions were rejected.

Even unaccompanied minors, as well as people with vulnerabilities, are not exempt from the accelerated procedure, but they may receive different receptions. Minors are reportedly moved to centres specifically for their reception on the mainland, effectively leaving the RIC and no longer under geographical restriction. The need for greater protection and safeguards of the rights of unaccompanied minors in Greece has also been acknowledged following the ruling of the European Court of Human Rights in *Sh.D. and Others vs. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia* in 2019, which asserted that pre-trial detention of minors violates Article 5 of the European Convention on Human Rights. Article 43 of law 4760/2020 prohibits pre-trial detention of minors, but it seems that the practice has not yet been completely eradicated: pending suitable placement in a reception centre specifically for minors, they remain in the RIC.

There are limited access zones here called "safe areas" where only unaccompanied minors are housed while waiting to complete the age assessment or transfer to a suitable centre.

It emerged that the minors in the *safe area* of the RIC on the island of Chios are actually far from safe. The testimonies we collected demonstrated that the facility intended to accommodate minors was inadequate: sometimes there was no hot water, at times of high influx there were insufficient mattresses and clothes, the amount and quality of food was poor and there were even bare electric cables, as well as areas infested with cockroaches and snakes. Episodes of abuse and violence against minors were also reported. The situation seems to have become worse recently, since the *safe area* is only supervised during the day, whereas in the past the IOM implemented 24/7 surveillance.

On coming of age, support programs for minors come to an end, often resulting in a return to the RIC for young people previously hosted in specific reception centres.

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A few unaccompanied minors in Chios are welcomed by a centre managed by the *Metadrasis Association*, which also offers social-work placement programmes. However, shortly before this research work, the “18+” program, which gradually guided young people towards independence even after reaching the age of majority, was cancelled. These asylum seekers, once they are 18 years old without obtaining protection, are taken back to the Chios RIC, effectively cancelling the efforts performed on their behalf as regards integration, as well as even leading to harmful psychological consequences.

CONCLUSIONS

The intensity of the migratory flows, as well as its Mediterranean location and geographical characteristics, have turned Greece in recent years into a laboratory for experimenting and perfecting European migration management policies, with the ever more explicit aim of reducing arrivals of third-country nationals in Europe.

Previous monitoring highlighted how various devices applied in Greece - such as bilateral agreements, the hotspot method, the concepts of "country of first asylum", "safe third country" and "safe country of origin" as substantial aspects in procedural mechanisms, and the central role of European agencies - were indispensable tools in efforts to bring about a radical reduction in migration flows from Turkey to Greece. Moreover, these devices also had and still have a decisive role as regards prospects for the reform of the European asylum system and border control, as well as externalisation processes for asylum procedures.

The inspection in June 2022 confirmed previous impressions and revealed government policies further perfected towards limiting entry and stay by foreign citizens in Greece, thereby rendering the right to asylum null and void. This must therefore be the key to understanding the information collected and published in this report.

Firstly, the practice of informal, collective and deferred pushbacks by Greek authorities, in collaboration with Frontex agents, seems to have become consolidated, without arousing any concern. Practices involving unidentifiable agents, armed threats, disappearances, physical and verbal intimidation and extensive use of technological tools are widely documented. The objective pursued is self-evident: closure of borders and limited entry by foreign citizens who could apply for international protection and obtain residence permits in the territory. It is equally evident that this practice violates the ban on refoulement and poses an initial and first enormous obstacle for access to the asylum procedure. At the time of the inspection, the Reception and Identification Centres on the islands were almost empty, demonstrating fewer arrivals.

There are different forecasts and practices between the mainland and the islands as regards access to the asylum application procedures. In the first case, access to the asylum procedure is obstructed. The impossibility of personally submitting an application for international protection and the need for an institutional referral, combined with the practice of only accepting asylum applications presented through Reception and Identification Centres, make access to the asylum application procedure extremely difficult, not to mention the inscrutable methods entailed. The information we gathered highlights total uncertainty over which procedures are applicable for people who intend to apply for asylum. This substantially negates the underlying right even if it is formally guaranteed.

The islands, on the other hand, allow almost automatic access to the procedure, with immediate transfer to a Reception and Identification Centre. It is concluded very quickly but - faced by compliance with formal and procedural assurances - the right of asylum and its related rights are not always guaranteed. Firstly, the application of the "safe third country" concept entails the exclusion from the procedure of a great many asylum seekers who have transited through Turkey. Their applications are declared inadmissible because of an alleged link with that country, without any examination of the merits of the personal histories of applicants in their countries of origin. Secondly, there is still considerable uncertainty over how the procedure progresses - for example, the assessment of vulnerability and its

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relevance for granting protection - as well as the legitimacy and duration of detention. The costs and methods for appealing against a negative decision mean that this is a largely inaccessible and rarely used remedy. The overview is completed by the isolation and confinement of asylum seekers in the RICs or Closed Controlled Access Centres. They can only be accessed by persons authorized by the Greek government. While the old RICs were characterised by degrading conditions and disrespect for human dignity imposed on inmates, the new CCACs are extremely modern and apparently uphold the rights of asylum seekers staying there. Modern space organization and surveillance systems are used, such as badges. However, they are largely configured as closed centres; and even if leaving them is formally permitted, it is actually precluded by their location in remote and isolated places. Asylum seekers are unlikely to leave them to reach inhabited towns or villages. All the more, access is only assured to persons authorized by the Greek government. This gives rise to obvious doubts about the effective margin of manoeuvre permitted to ensure respect for the rights of asylum seekers and independent reporting of conditions in these centres and their "guests".

Asylum seekers are therefore isolated, subject to an extremely rapid procedure, can only contact institutional bodies and government-approved NGOs, have no access to guardians or lawyers and in most cases are subject to de facto detention, without any assurance of their rights to personal freedom. Such isolation and confinement is also seen outside the centres and even following rejection of international protection, through the provision of a geographical restriction on freedom of movement, which forbids leaving the island without specific authorisation.

Vulnerable persons are also subject to confinement without distinction, with consequent difficulties in accessing services that may be necessary precisely because of their specific vulnerability. Moreover, denying the concept and recognition of vulnerability - in terms of law as well as practice - completes the overview of actions that restrict and nullify the right to international protection in Greece. Presenting an asylum application is the point of entry into the "system" of centres which often also means entry into a loop of forced detention, rejection of the application, the impossibility of leaving the island of arrival, a repeated asylum application and detention once again.

The strict regulations enforced on NGO activities we discovered during our inspection are an inevitable corollary of the practices and policies described above and encapsulate the entire system. Given the isolation of migrants and the formal compliance with assurances, the activities of non-governmental organizations and self-organized civil society are limited and regulated. In this context, the policy of criminalising NGOs and side-lining all players whose activities seek to "open" these centres and expose illegitimate practices implemented by the authorities is understandable. The limitation of their activities and the criminalization of NGOs, combined with the difficulties in accessing the people they seek to protect, has made it effectively impossible for them to work and many have left or are leaving the territory. This means there are fewer or even no independent figures and observers who not only assist asylum seekers, but can also provide information and raise awareness among the population and the international community about the policies pursued by the Greek government. The desire to keep the realities of migration and the resident population isolated from each other evidently precludes any risk of reciprocal influences. On the other hand, the presence of authorised NGOs and institutional organisations helps legitimise the actions of the Greek government. Their activity - and in particular their work in these centres - would

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be proof of institutional efforts seeking to respect all the formal and procedural guarantees on behalf of asylum seekers.

The work carried out clearly demonstrates the existence in Greece of conduct and practices in conflict with European and international asylum legislation, with an enormous sacrifice of the rights of asylum seekers and migrants. It can be said that the experiment in Greece and its objective of reforming the right to European asylum in a context of closed borders and turning third country migrants into "guinea pigs" has been entirely successful.