

Ecumenical Refugee Programme

Re-integration Center for Returning Migrants-KSPM:

Holy Synod of the Orthodox Church of Greece

Iridanou street 4^A, Ilissia 11528, Athens, tel. 00 30. 210 7295926-7, fax 00 30 210 7295 928

E-mail: Ecrp@ath.forthnet.gr

STATEMENT

1. The Ecumenical Refugee Program (ERP), is a special service of the Holy Synod of the Orthodox Church of Greece that provides assistance to refugees and asylum seekers. The program was officially established in January 1994 as a successor of the WCC Refugee Service in Greece. The program runs different projects that have been financed by various sources, including UNHCR, the European Commission, Equal Community Initiative, the European Refugee Fund, etc. The ERP primarily provides legal assistance and representation to asylum seekers and refugees and is one of the main Organizations in this field in Greece. Currently we offer legal assistance to asylum seekers in Athens and Mitilini Detention Center, namely the areas that receive the largest numbers of aliens in need of International Protection.
2. We have been asked by Pro- Asyl to comment on the report of the Federal Office for Migration and Refugees dated 5.1.2009 describing the asylum situation in Greece, in particular with regard to the safeguards provided by the Greek government to asylum seekers returned to Greece under the Dublin II Regulation.
3. First of all we want to clarify that at the moment there exist no such alternative “set of procedures” for an asylum seeker who is returned to Greece under Dublin II to legalise his stay other than by submitting an asylum claim or following up a previous asylum claim. In particular the deadline for legalizing irregular stay in Greece expired on 31.12.2005 and did not include asylum seekers and rejected asylum seekers among its beneficiaries. Rejected asylum seekers or aliens that did not apply for asylum, are considered to be illegal migrants and risk the penalty of administrative deportation.

4. Concerning the set of guarantees provided to asylum seekers who are returned to Greece under Dublin II and want to apply for asylum the reality is as follows: while it is true that the asylum interview takes place at the airport, there exists no professional translation that will enable the applicant to effectively present his claim. In reality, in the best cases, translation “facilities” are provided spontaneously by other migrants and asylum seekers, who happen to be detained during the same period at the airport detention center. More often though, applicants are asked to “describe” their claim with the few words of English or Greek they may know. Under such circumstances, interviews conducted at the airport are of very poor quality and produce “manifestly ill-founded” claims that are then dismissed under the fast track procedure.

5. The lack of effective translation has also an impact on their right to receive accurate information about the asylum procedure - in particular the imminent 10-day-deadline to appeal against the 1st instance negative decision which in some cases is handed over to them at the airport – the reception conditions, their rights and obligations. In none of the Dublin cases that have come to our office, did the asylum seekers receive any form of effective guidance and orientation at the airport. None of them had ever seen the informative leaflet available in different languages, which is supposedly distributed to them by the Greek authorities. The only information they receive is a paper written in Greek which instructs the holder to go to the Aliens Police Directorate at Petrou Ralli street (Petrou Ralli) to “be updated about his/her file”, without further explanation.

6. The authorities of Petrou Ralli are not “instructed to expect his arrival”. In fact, Dublin returnees receive exactly the same treatment as the rest of asylum seekers trying to enter Petrou Ralli for various procedural reasons: when they go to Petrou Ralli as they have been instructed to do at the airport, they are not even allowed to enter through the main gate, let alone to access the Asylum Office. For instance, in 2008 we recorded at least 36 cases of Dublin returnees, in which we had to intervene because Petrou Ralli would refuse them access to the building in order to provide them with a “red card”, let them register an address as they are required or renew their card. Without support from an NGO these people were totally helpless in following up their cases and asserting any of their rights.

7. In addition, there is no such practice among Greek authorities to accommodate Dublin returnees as a matter of priority, even vulnerable cases. The first question that Dublin returnees asks us, is: “where am I going to stay? where can I eat?”. Because of the inadequate number of available shelters, there are long waiting lists, even for families with children.

8. We do not consider that the current asylum situation in Greece, including reception conditions for Dublin returnees fulfill the criteria for a fair and effective asylum procedure in Greece.

Athens, 13/02/2009

Efthalia Pappa, Project Manager, Ecumenical Refugee Programme

Danai Angeli, Lawyer, Legal Protection, Ecumenical Refugee Programme