

**LEGAL NOTE**

**On the living conditions of beneficiaries of international protection in Greece**

**Rights and effective protection exist  
only on paper:**

**The precarious existence of beneficiaries of  
international protection in Greece**

**June 23rd 2017**

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## 1. INTRODUCTION

Refugee Support Aegean (RSA) is a Greek non-profit organization focusing on strategic litigations in support of refugees, monitoring human rights violations, as well as the provision of legal, social and humanitarian support in individual cases. Members of the organization are based on the islands and on the mainland and visit different parts of Greece in order to document the situation there. RSA is the implementing partner of the [PRO ASYL](#) Foundation project RSPA - Refugee Support Program Aegean in Greece. PRO ASYL acts as an independent voice for human rights and refugee protection in Germany and Europe.

This legal note is based on the daily legal and social aid provided to applicants and beneficiaries of international protection by Refugee Support Aegean (RSA), as well as on field and desk research including interviews with refugees, experts and NGOs.

This legal note presents the precarious existence of beneficiaries of international protection and the lack of their effective access and enjoyment of social rights in Greece. RSA stresses that in the most of the cases, rights and effective protection exist only on paper for this category of population living in Greece.

### 1.1 Basic findings

The current living conditions of beneficiaries of international protection<sup>1</sup> in Greece are alarming, as beneficiaries do not only suffer from the lack of integration prospects into Greek society, but they are often faced with inadequate living conditions and humanitarian standards, a precarious socio-economic situation, and even have problems in securing their very existence. Such a situation undermines the effectiveness of the provided protection in line with The 1951 Refugee Convention and European law. An international protection status, which in practice does not necessarily secure a dignified life for its holder, amounts to no more than protection “on paper”.

Many beneficiaries of international protection live in abandoned houses or informally rented and overcrowded apartments under deplorable conditions, in abandoned ruins in Athens, on construction sites in Thessaloniki or in empty factory halls in Patras. Some have been evicted or face eviction without alternative; others sleep on the streets or in friends' houses. Others are left to remain in the “temporary” accommodation camps or UNHCR accommodation scheme or even in the so called “hotspots” for several months after their recognition where they are subjected to

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1 “Beneficiaries of international protection” are defined as aliens or stateless persons who have been recognized as refugees or beneficiaries of subsidiary protection status.

the same inadequate conditions as the applicants for international protection. Access to food, toilet, water, electricity, sanitary facilities and security is not always secured and they often suffer from the cold during the winter months or from the heat during the summer months. Many survive only by relying on the solidarity of others.

Most beneficiaries of international protection are jobless or have lost their job without any prospect of finding another one. Some of them work in the informal economy for very low pay, without insurance, and are in danger of being exploited.

They are left to survive by their own means without any financial or social support or any further targeted integration measures. Equal access to social rights as Greek nationals is in practice not secured by the Greek State (and sometimes not even foreseen by law). Most of them are not properly informed on their rights and obligations. In many cases they face serious restrictions by law and practice to access social benefits and encounter severe difficulties in effectively accessing the health and education system. In an official information document distributed by the Greek Asylum Service beneficiaries of international protection are informed that the state cannot offer them shelter, nor can it guarantee social benefits or access to the labor market<sup>2</sup>.

The beneficiaries suffer from the already existing systemic gaps in the social welfare system as well as from the significant deterioration of this system itself following the economic crisis and austerity measures in Greece. As noted by Greek National Committee for Human Rights, “drastic cuts in social expenditure, has dismantled the welfare state and has intensified the deterioration of living standards resulting in the impoverishment and destitution of an increasing part of the population<sup>3</sup>” and “particularly for the most marginalized<sup>4</sup>“. According to official statistics, the

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2 Source: <http://asylo.gov.gr/wp-content/uploads/2015/02/Ερωτήσεις-Απαντήσεις-αιτούντες-πρόσφυγες-18.2.15.pdf>.

3 National Committee for Human Rights 2017: OBSERVATIONS SUBMITTED BY THE GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS (GNCHR) IN VIEW OF THE EXAMINATION OF THE 27<sup>th</sup> GREEK REPORT ON THE APPLICATION OF THE EUROPEAN SOCIAL CHARTER (ARTICLES 3, 11, 12, 13 AND 14) AND ON THE 11<sup>th</sup> GREEK REPORT ON THE APPLICATION OF THE ADDITIONAL PROTOCOL TO THE EUROPEAN SOCIAL CHARTER (ARTICLE 4) (REFERENCE PERIOD January 1<sup>st</sup>, 2012 – December 31<sup>st</sup>, 2015), page 12 [http://www.nchr.gr/images/English\\_Site/YGEIA/GNCHR\\_ECSR\\_Plenary\\_30\\_Jan.pdf](http://www.nchr.gr/images/English_Site/YGEIA/GNCHR_ECSR_Plenary_30_Jan.pdf).

See also: The Statement of the Greek National Commission for Human Rights (GNCHR) on the impact of the continuing austerity measures on human rights (July 15<sup>th</sup>, 2015).

Source: <http://www.nchr.gr/index.php/en/2013-04-03-10-23-48/2013-04-03-10-41-02>, and see also: [http://www.nchr.gr/images/pdf/apofaseis/oikonomikh\\_krish/SophiaKoukoulisSpiliotopoulosAUSTERITY.pdf](http://www.nchr.gr/images/pdf/apofaseis/oikonomikh_krish/SophiaKoukoulisSpiliotopoulosAUSTERITY.pdf)

4 UN Independent Expert on the Effects of Foreign Debt 2016: Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of states on the full

unemployment rate in Greece in January 2017 was 23.5% <sup>5</sup>, while it was at 48% for people under the age of 24 in January 2017.<sup>6</sup> Already in 2014 the rate of people in danger of poverty or social exclusion was 35.7%, for children it was 26.6 %, and for third-country nationals from outside the EU who live in Greece it was as high as 67.1%. <sup>7</sup>

The fact that the majority of beneficiaries of international protection did not have access to proper reception conditions – if any – even as applicants, further aggravates their situation. Greece was found by the European Court of Human Rights to violate Article 3 of ECHR because of lack of reception conditions for applicants in cases *MSS v. Greece and Belgium* (30696/09, 21.01.2011), *FH v. Greece* (78456/11, 31.7.2014) and *Amadou v. Greece* (37991/11, 2016), *AIK v Greece* (63542/11, 2016), *SG v. Greece* (46558/12, 2017). Furthermore the current situation of reception conditions existing in so-called hotspots on the Aegean islands or in the majority of the “emergency” camps on the mainland (opened after the closure of Balkan route in March 2016) cannot fulfill the minimum criteria of permanent reception conditions for applicants (as they are designated to deal temporarily with urgent crises) and therefore impede the integration of recognized beneficiaries. In some cases the living conditions do not even fulfill the minimum standards of dignified living<sup>8</sup>. To date the status of the emergency camps remains unclear, as most of them are operating without any legal basis<sup>9</sup>, with a lack of a

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enjoyment of all human rights, particularly economic, social and cultural rights on his mission to Greece.

Source: [https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/083/81/PDF/G1608381.pdf?](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/083/81/PDF/G1608381.pdf?OpenElement)

[OpenElement](#) :UN Independent Expert on the Effects of Foreign Debt” has also expressed concerns about the impact of the austerity measures on the social rights and the living conditions of people in Greece: “*The limited funds that had been available to combat social exclusion and for rental and other housing support and family and child benefits were reduced drastically. Spending to support sick persons and persons with disabilities also decreased disproportionately, while pension benefits — the biggest social expenditure and backbone of the social protection system of Greece — were cut consecutively in line with the overall reduction of government expenditure. Unemployment benefits fell by nearly one third, while at the same time the number of unemployed rose by nearly threefold. In analysing the development of social protection expenditure, it can be seen that, sadly, reductions were particularly harsh for the most marginalized, who lacked any strong political lobby.*”

5 Source: <http://ec.europa.eu/eurostat/documents/2995521/8002525/3-02052017-AP-EN.pdf/94b69232-83a9-4011-8c85-1d4311215619>.

6 See at: [Press Release of Hellenic Statistical Authority on Labour Force Survey in January 2017](#).

7 [www.statistics.gr](http://www.statistics.gr).

8 More available at: Greek Ombudsman report “Migration flows and refugee protection”, May 2017, page 63 see at:

[https://www.synigoros.gr/resources/docs/greek\\_ombudsman\\_migrants\\_refugees\\_2017\\_en.pdf](https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf), Aida report Greece 2016 see at: <http://www.asylumineurope.org/reports/country/greece>

9 Law 4375/2016 regulates the foundation of accommodation camps or places of applicants of international protection and the minimum standards of their operation. The temporary accommodation camps (except for Elaionas, Schisto and Diavata) have not been founded according to Law 4376/2016 or any other legal provision.

clear management and referral system, and hence a lack of accountability, transparency, regulation and monitoring. The majority of those living in the camps or hotspots have no access to necessary services, (i.e., health system, proper information) or to necessary documentation (i.e. tax number), which could facilitate their next steps as beneficiaries<sup>10</sup>.

The situation is getting worse for the many vulnerable groups, such as children, the elderly, people suffering from health problems, families,<sup>11</sup> and others in need of protection.<sup>12</sup>

Living under such conditions, the beneficiaries of international protection are easily targeted and suffer from security problems, violence (in particular gender-based violence against women and children), exploitation and racist attacks.<sup>13</sup>

The lack of any integration scheme and the obstacles accessing social rights and the deplorable living conditions of beneficiaries of international protection impede further integration steps, such as long term residency and nationality (which require as a precondition a minimum income and social security, as well as knowledge of the Greek language and society). Family reunification is also seriously hampered in practice.

The current number of beneficiaries of international protection who are present in Greece is unknown. The Asylum Reform in 2013 and the commencement of work of the new Asylum Service brought about an increase in the recognition rate. Following the refugee crisis of 2015, the closure of the Balkan route and the EU-Turkey deal in 2016, a serious increase of applications for international protection has been registered. 51,092 asylum

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10 In parallel with emergency camps and hotspots, since December 2015, UNHCR has been implementing an accommodation program with in apartments and hotels, which initially was mainly aimed at people participating in the relocation scheme. Later, in the summer of 2016, some places were also allocated to vulnerable applicants or applicants pending Dublin family reunifications. The capacity of the UNHCR accommodation scheme for applicants is not fixed but depends on availability, and the referral system to the scheme is not clear and accessible for everybody. Additionally National Center of Social Solidarity (EKKA) has 585 accommodation places for adults.

11 The number of children among the registered refugees in Greece amounted to 36,7% in 2016. See: <https://data2.unhcr.org/en/documents/download/53447>.

12 The percentage of vulnerable refugees in the pre-registration on the mainland in 2016 amounted to over 12,5% - the actual figure is suspected to be much higher.

Source: [http://asylo.gov.gr/wp-content/uploads/2016/08/Preregistration-data\\_template\\_5\\_GR\\_EXTERNAL.pdf](http://asylo.gov.gr/wp-content/uploads/2016/08/Preregistration-data_template_5_GR_EXTERNAL.pdf)

13 In their report for the year 2016, the Racist Violence Recording Network outlined the recorded racist attacks with elements of organised violence and the attacks related to the management of the refugee crisis. It is clear that as the living conditions of asylum seekers and refugees remain inadequate, the risk of an increase in racism exists. For more on racist attack see the annual reports of the Racist Violence Recording Network. Source: [http://rvrn.org/wp-content/uploads/2017/04/Report\\_2016eng.pdf](http://rvrn.org/wp-content/uploads/2017/04/Report_2016eng.pdf).

applications were registered in 2016, while in 2015 the number had been 13,195<sup>14</sup>. According to the Greek Asylum Service<sup>15</sup>, about half of the asylum applications registered since the introduction of the new service in June 7<sup>th</sup>, 2013 (and until April 30<sup>th</sup>, 2017) were made in year 2016. 2,467 were granted with refugee status and 245 with subsidiary protection by the Asylum Service in the first instance procedure in Greece in 2016. In the end of April 2017, a total of 31,599 applications were still pending before the first instance procedure of the Asylum Service including 10,157 Syrians, 5,938 Afghans and 4,094 Iraqis<sup>16</sup>. Until the end of 2016, 5,833 appeals were still pending before Backlog Committees and 1,214 before the Appeals Authority.<sup>17</sup> UNHCR has estimated that more than 15,000 people will be recognized as beneficiaries during the next years and would then need to be integrated into Greek society.<sup>18</sup>

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14 [http://asylo.gov.gr/en/wp-content/uploads/2017/06/Greek\\_Asylum\\_Service\\_Statistical\\_Data\\_EN.pdf](http://asylo.gov.gr/en/wp-content/uploads/2017/06/Greek_Asylum_Service_Statistical_Data_EN.pdf)

15 [http://asylo.gov.gr/en/wp-content/uploads/2017/06/Greek\\_Asylum\\_Service\\_Statistical\\_Data\\_EN.pdf](http://asylo.gov.gr/en/wp-content/uploads/2017/06/Greek_Asylum_Service_Statistical_Data_EN.pdf)

16 [http://asylo.gov.gr/en/wp-content/uploads/2017/06/Greek\\_Asylum\\_Service\\_Statistical\\_Data\\_EN.pdf](http://asylo.gov.gr/en/wp-content/uploads/2017/06/Greek_Asylum_Service_Statistical_Data_EN.pdf)

17 AIDA report Greece, March 2017: <http://www.asylumineurope.org/reports/country/greece>.

18 Correspondence of February 5<sup>th</sup>, 2017 by UNHCR.

## 2. LEGAL FRAMEWORK

### 2.1. The Asylum Procedure and protection statuses in Greece

In Greece, two different asylum procedures are in operation: On the one hand, the backlog cases of the old asylum system which are heard by the so-called “Backlog Committees of PD 113/2013 official gazette 146/A/14-6-2013 for asylum applications registered before the establishment of the Greek Asylum Service on June 7<sup>th</sup>, 2013,<sup>19</sup> and, on the other hand, the asylum procedures dealt with by the Greek Asylum Service (or independent appeals committees of Law 4375/2016 official gazette 51/A/3-4-2016 on second instance) for those applications registered after June 7<sup>th</sup>, 2013. The dual procedure also affects the beneficiaries of international protection, as they are getting recognized by different authorities and also people in the first category have to deal with the police Authorities and not with the Asylum Service regarding renewals of residence permits, family reunification procedures or issuances of certificates. Different types of residence permits exist until now between the two categories.

According to the Greek Law ΠΔ 141/2013 incorporating the “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”, applicants for international protection can be granted international protection in the form of either a **refugee status** or a **subsidiary protection status**.

Applicants can also be granted **humanitarian status** under Article 19A of Law 4251/2014 (official gazette 80/A/1-4-2014) as amended by Article 8 par. 25 of Law 4332/2015. This is a national form of protection provided by the Ministry of Interior after the recommendation of the Asylum Service or the second instance committees (including cases in need of protection of Article 3 of ECHR) Under Article 22 of Law 4375/2016, those applicants whose application has been pending for at least five years (before April 3<sup>rd</sup>, 2016) before the Backlog Committees shall be granted humanitarian status for two years.

### 2.2. Social rights legislation

The **social rights** of beneficiaries of international protection are regulated by the following legislation:

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19 At the beginning of 2013, the Backlog amounted to a total of 51,000 cases.



The 1951 Refugee Convention was ratified by the Greek State on April 5<sup>th</sup>, 1960. This regulates the right of housing (Article 21), public education (Article 22), public relief (Article 23), labor legislation and social security (Article 24) administrative assistance (Article 25), the rights to work (Article 17, 18, 19) the right to identity (Article 27) travel document ( (ARTArticle 28) and citizenship (Article 34).

PD 141/2013 (National Gazette 226/21.10.2013)<sup>20</sup> (as amended by Article 69 and 70 of Law 4375/2016<sup>21</sup>) which incorporates the Directive 2011/95/EU regulates the legislation of social rights of beneficiaries of international protection.

Access to employment and to employment-related education opportunities, to education, access to procedures for recognition of qualifications, to social welfare, to public health (Article 27 par.1 and 2 as amended by Article 69 and 70 of Law 4375/2016, 28 par. 1, 29, 30, 31, of PD 141/2013 incorporating 26 par.1 and 2, 27 par. 1, 28, 29, 30 and of Directive 2011/95/EU) are provided for both recognized and beneficiaries of subsidiary protection under the same conditions as Greek nationals. The right to accommodation and the right of access to education for adults (Article 33 of PD 141/2013 incorporating Article 32 of the Directive 2011/95/EU and Article 28 par.2 of PD 141/2013 incorporating Article 27 par. 2 of Directive 2011/95/EU) are regulated for beneficiaries of international protection under the same conditions as third country nationals.

The European Charter of Fundamental Rights (Article 4), ECHR (Article 3 and 8) and International Covenant on Civil and Political Rights (Article 7), are also applicable in the cases of beneficiaries of international protection regarding living conditions and access to social rights.

In several cases, the ECtHR has found that Greece has violated Article 3 of the European Convention of Human Rights (prohibition of torture and inhuman treatment) due to systemic deficiencies regarding reception conditions for applicants of international protection (see cases of MSS v. Greece and Belgium (30696/09, 21.01.2011), FH v. Greece (78456/11, 31.07.2014) and Amadou v. Greece (37991/11, 04.02.2016), AL.K. v. Greece (63542/11, 11.03.2015), S.G. v. Greece (46558/12, 18.05.2017).

In the relevant recent law case R.A.A. and Z.M v. Denmark (2608/2015, 15.12.2016), the UN Human Rights Committee found that the removal of a family of recognized refugees from Denmark to Bulgaria would expose them to irreparable harm in violation of Article 7 of CCPR due to the precarious socioeconomic situation given the lack of access to financial help and social assistance, to integration programs and housing in Bulgaria.

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20 Source (in Greek): [https://www.synigoros.gr/resources/docs/p-d--141\\_2013.pdf](https://www.synigoros.gr/resources/docs/p-d--141_2013.pdf).

21 Source (in English): <http://www.refworld.org/docid/573ad4cb4.html>.

Furthermore, on April 19<sup>th</sup>, 2017, the Administrative Court in Hannover<sup>22</sup> (Verwaltungsgericht Hannover) granted a suspension on the transfer of a recognized refugee to Greece in an appeals case. The court considered his transfer to Greece a breach of the ECHR. On May 8<sup>th</sup>, 2017, the Federal Constitutional Court (Bundesverfassungsgericht)<sup>23</sup> stopped the removal of a recognized refugee from Syria to Greece and highlighted the need of examination of “how access to shelter, food and sanitary facilities would be safeguarded for recognized refugees returned to Greece at least in the first period after their arrival there”.

### 3. OBSTACLES TO ACCESS RIGHTS

Although in theory beneficiaries of international protection should have access to social rights, in practice their access and enjoyment of such rights in most cases exists only on paper. This is due to the fact that:

- no specific measures of social integration specifically targeting beneficiaries of international protection exist;
- there is a serious lack of effective information;
- beneficiaries face barriers in accessing the documents necessary for exercising their rights;
- no accommodation is provided to them, not even at the outset;
- they face obstacles in accessing health care;
- it is almost impossible to find a job with social insurance;
- access to social allowances is not guaranteed due to legal or practical restrictions;
- beneficiaries face problems in accessing education; and
- there are obstacles to their further integration (e.g. family reunification, long term residency and citizenship).

In this context, the UNHCR stressed that “provision of basic social rights is currently a challenge for both asylum seekers and beneficiaries of international protection in Greece. The country lacks an overall integration strategy, as well as specific measures targeting the refugee population. Moreover, refugees are not always efficiently included in national social protection measures that aim to address the needs of the homeless and unemployed Greek population”.<sup>24</sup>

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<sup>22</sup> Az: 15 B 2175/17.

<sup>23</sup> 2 BvR 157/17,  
[http://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2017/05/rk20170508\\_2bvr015717.html](http://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2017/05/rk20170508_2bvr015717.html)

<sup>24</sup> RSA correspondence of February 10<sup>th</sup>, 2017 with UNHCR.

Remedies (if prescribed by law) before administrative or judicial bodies against are long (years) lasting, not always accessible to beneficiaries and thus not effective.

### **3.1. No specific measures targeting beneficiaries of protection in Greece**

According to Article 35 of PD 141/2013 (Article 34 of Directive 2011/95/EU)<sup>25</sup>, the beneficiaries of international protection should have access to adequate integration programs by the Ministry of Labor, Social Solidarity and Welfare.

In practice though, Greece has not established an integration plan or strategy for beneficiaries, especially for the newly-arrived who need assistance in making a start. As a consequence, dignified survival and further integration are not guaranteed. There is no financial and social assistance to guarantee a decent standard of living or sufficient food and housing for those in need. There are no integration measures specifically targeted at beneficiaries, such as language courses, orientation lessons (on history, norms, culture, institutions etc.) or schemes for job training or re-training. It is telling that no free Greek-language courses are provided for adults by the state. The only language program for third-country nationals is run by the University of Athens, but fees amount to ca. 500-670 Euro annually.<sup>26</sup>

UNHCR has repeatedly highlighted the lack of any integration plan and recommended the development of a comprehensive action plan and legislative framework for integration in Greece.<sup>27</sup>

### **3.2. Lack of information on rights**

According to Article 22 of PD 141/2013 (Article 22 of Directive 2011/95/EU), the competent authorities of reception or examination shall provide beneficiaries of international protection with information about their rights and obligations arising out of their status, in a language they understand and as soon as possible after their recognition.

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25 Article 34 (Access to integration facilities):

*“In order to facilitate the integration of beneficiaries of international protection into society, Member States shall ensure access to integration programs which they consider to be appropriate so as to take into account the specific needs of beneficiaries of refugee status or of subsidiary protection status, or create pre-conditions which guarantee access to such programs”.*

26 Source: <http://en.greekcourses.uoa.gr>.

27 Source: UNHCR 2015: [http://www.unhcr.gr/fileadmin/Greece/Extras/Greece/2015\\_EN\\_R.pdf](http://www.unhcr.gr/fileadmin/Greece/Extras/Greece/2015_EN_R.pdf) and UNHCR 2014: <http://www.refworld.org/docid/54cb3af34.html> and UNHCR 2013: [https://www.unhcr.gr/fileadmin/Greece/News/2013/PCjuly/Greece\\_Positions\\_July\\_2013\\_EN.pdf](https://www.unhcr.gr/fileadmin/Greece/News/2013/PCjuly/Greece_Positions_July_2013_EN.pdf)

RSA has documented many cases where beneficiaries had no proper information regarding their rights and obligations upon recognition. The information provided by the Asylum Service is only very general and limited. Public sector information on Greek nationals' social rights and public services (written, oral or via the internet) is provided only in Greek language. The only way to obtain information is through some NGOs. The vast majority of beneficiaries met by RSA (mainly people who had newly arrived) were not aware of their basic rights (i.e. free access to public health, right for family reunification within three months for refugees, social allowances) and obligations (such as obtaining a tax number, submitting an annual tax declaration and residence declaration).

### 3.3. Difficult access to the necessary documents

According to Article 24 of PD 141/2013, as amended with the Article 21 par. 3 law 4375/2016, (National gazette A 51/3.4.2016; Article 24 of Directive 2011/95/EU), beneficiaries of international protection receive a three-year residence permit, which can be renewed after a decision of the Head of the Regional Asylum Office.

In practice, the asylum service provides the new type of residence permits after a time period between one and six months, starting from the notification of the decision. Until that time, applicants hold the asylum seeker card, which is stamped with the wording "Pending Residence Permit"<sup>28</sup>. The holders of such a permit face difficulties in accessing their rights as in most cases they are considered as applicants.

According to Article 25 of PD 141/2013 (Article 25 of Directive 2011/95/EU) upon a request submitted to the competent authority recognized refugees and beneficiaries of subsidiary protection (if they are unable to obtain a national passport) are entitled to a five-year **travel document**, unless there are compelling reasons of national security or public order. These travel documents are issued by the Passport Directorate of the Hellenic Police Headquarters, subject to a fee of 85 Euro<sup>29</sup>. Delays in issuing travel documents (more than six months) are reported in the majority of cases. Travel documents are not only necessary for travelling abroad but in many cases also for opening a bank account.

Although Article 26 of PD 141/2013 (Article 25 of the 1951 Refugee Convention) states that the competent authorities should provide **certificates about their personal status** to refugees, the Greek authorities (both the asylum service and the police authorities) **do not**

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28 Asylum Service 2015: *Frequently asked questions on the rights of asylum seekers and beneficiaries of international protection* (February 18<sup>th</sup>, 2015). In Greek. Source: <http://bit.ly/2jGtIw0>.

29 Ibid.

**grant such certificates.** Such an omission by the Greek authorities results in further barriers to the improvement of living conditions, as beneficiaries cannot access social rights and allowances for which they would be eligible.

In particular, such certificates (e.g. birth certificates, family status certificates) **are necessary for a wide variety of matters, such as declaring marriage or family status before tax or other authorities, for obtaining social benefits and allowances,** for getting married in EU countries<sup>30</sup>, for obtaining a divorce or regulating the custody of children, for proving single parenting, or for proving the kinship between family members.

**Obtaining tax numbers and submitting tax declarations** is an obligation for all residents and a precondition for entering employment and accessing social benefits and allowances. The declaration of an address and the submission of a tenancy agreement or a hosting declaration as well as the homelessness certificate are necessary for the registration by the competent tax service. Additionally, a family certificate or marriage certificate is necessary for the **registration of family status** with the tax services. Beneficiaries face barriers to proper registration with the tax authorities due to the lack of documents required for proving accommodation or homelessness (see below “No access to accommodation”) and family status (see above).

**Opening a bank account,** which is a necessary precondition for accessing social benefits and work, is not always feasible for beneficiaries, as they cannot provide the necessary documents, such as tax declarations, accommodation certificates, etc.

### **3.4. No access to accommodation**

According to Article 33 of Law PD 141/2013 (Art. 32 of the Directive 2011/95/EU), beneficiaries of international protection should have access to housing under the same conditions and limitations applicable to other third-country nationals legally resident in their territories.

In practice no state-run accommodation places are earmarked for beneficiaries of international protection, not even for vulnerable individuals, and no rent subsidies, loans or other forms of financial support for accommodation are provided.

It should be noted that neither the places provided by the National Centre for Social Solidarity (EKKA) (1,896 for adults and Unaccompanied Minors; out of which 584

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30 In Greece it is not required for getting a marriage permit.

places for adults mainly families and vulnerable persons by January 2017)<sup>31</sup> nor the currently existing 30 temporary accommodation camps in the mainland (by March 2017) that were established for newcomers after the closure of the Balkan route<sup>32</sup>, nor the 18.678 places organized by UNHCR and operational partners<sup>33</sup> in apartments and hotel rooms (as of June 20<sup>th</sup>, 2017) are officially available for beneficiaries of international protection, as these places are only provided for applicants of international protection or for relocation. Even if the now recognized persons had been living in such accommodations as applicants for international protection, they are requested to leave the facility soon after their recognition. Lately RSA has noticed that, in practice, beneficiaries of international protection who had been accommodated in the temporary camps or via the UNHCR scheme while they were applicants, are informally tolerated to stay on in these camps after their recognition for a further period of a maximum of six months<sup>34</sup> and they even carry on receiving cash funds<sup>35</sup> (just as they did when they were applicants). But this is only a temporary and unofficial practice and applies only to those who had been officially accommodated in those camps as applicants, and it is not clear if this is a common practice in all camps and in all cases. Furthermore, living conditions in the temporary camps are not appropriate and sometimes even basic services are not provided<sup>36</sup>. Upon recognition of their status as beneficiaries of international protection, no information on their rights is provided to beneficiaries, neither is social care, information nor integration measures specially targeted at beneficiaries. Beneficiaries of international protection returned to Greece by other EU countries, persons who live outside the temporary camps and accommodation scheme as well as those recognized before 2015 are not provided with neither accommodation nor cash cards.

RSA has encountered cases where refugees (even single women with children) who had been granted refugee status during their stay in camps with deplorable living conditions (such as the Elliniko camp in the Attika region) were subsequently neither given proper

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31 EKKa site [www.ekka.org.gr](http://www.ekka.org.gr) and see also AIDA report March 2017, p. 96 on

<http://www.asylumineurope.org/reports/country/greece>

32 <http://mindigital.gr/index.php/%CF%80%CF%81%CE%BF%CF%83%CF%86%CF%85%CE%B3%CE%B9%CE%BA%CF%8C-%CE%B6%CE%AE%CF%84%CE%B7%CE%BC%CE%B1-refugee-crisis/1031-summary-statement-of-refugee-flows-07-03-2017>.

33 As of 20 of June 2017, see at: <https://data2.unhcr.org/en/documents/download/57856>.

34 Cases have been reported to RSA for a three and six months prolong of their accommodation in the accommodation scheme.

35 Cash card assistance, funded by emergency funds, is being rolled out throughout Greece, as humanitarian aid to support refugee individuals and families to meet their most basic needs in Greece since mid Feb 2017 in support of applicants of international protection arriving after 2015 in Greece living in official camps or UNHCR accommodation scheme.

36 More available at: Greek Ombudsman report “Migration flows and refugee protection”, May 2017, page 63 see at:

[https://www.synigoros.gr/resources/docs/greek\\_ombudsman\\_migrants\\_refugees\\_2017\\_en.pdf](https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf), AIDA report Greece 2016 see at: <http://www.asylumineurope.org/reports/country/greece>.

reception conditions nor support for starting out as beneficiaries. They are simply left to survive without any prospects for the future.

Regarding the situation of those who are granted international protection while living in hotspots (such as Moria on Lesbos or Vial on Chios) and camps (such as Karatepe on Lesbos or Souda on Chios) in the islands of the Aegean Sea, RSA has met refugees who after recognition stay on in such places unofficially, without any further support or alternatives.

Theoretically, beneficiaries of international protection could be accommodated only in existing **shelters for the homeless in Greece**, but, firstly their access to these centers is not always guaranteed (as the access to accommodation by law is regulated under the same conditions as third country nationals) and secondly as these shelters offer only a limited number of accommodation places, it is almost impossible to find a place there. In Athens there are two shelters run by the Municipality of Athens (KYAΔA<sup>37</sup>, Centre for Reception and Solidarity of the Municipality of Athens) with a total capacity of 212 places for adults (no families allowed) and a maximum stay of six months, and one shelter run by the Red Cross in co-operation with the Ministry of Health where families are allowed). However, places in Red Cross's shelter are allocated only on the condition that applicants have been living in Greece for many years and fulfil basic preconditions of social and professional integration<sup>38</sup>.

In practice, due to the restricted number of places it is almost impossible to find a place in these shelters<sup>39</sup> and therefore the majority of people in need do not even apply. In June 2017, no places were available and there was a waiting list of 40 people for KYAΔA places. Furthermore, the majority of beneficiaries (especially newcomers) cannot meet the shelters' preconditions, such as having a tax number, a tax assessment note of the last year or special medical certificates.

Consequently, beneficiaries of international protection in need of shelter who lack the financial resources to rent a house remain homeless or live in abandoned places or

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37 As there are no credible statistics on homeless people, KYAΔA cites about 1,700 people living in the streets in Athens, NGOs talk about 3,000 in Athens, and the University of Crete mentions about 17,700 in the Attica region. In 2009, in the Municipality of Athens poverty amounted to 16% and in 2013 to 40.4%. [https://www.cityofathens.gr/sites/default/files/2015-2019\\_Programma\\_Koinwnikis\\_Politikis.pdf](https://www.cityofathens.gr/sites/default/files/2015-2019_Programma_Koinwnikis_Politikis.pdf)

38 Red Cross site <http://www.redcross.gr/default.asp?pid=123>.

39 Also interviews with NGOs Praksis, GCR, Doctors of World and "One Child One World" and see Greek Refugee Council 2015: Report to the UN Committee on Economic, Social and Cultural Rights in view of 55 Session. Source:

[http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/GRC/INT\\_CESCR\\_ICO\\_GRC\\_19295\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/GRC/INT_CESCR_ICO_GRC_19295_E.pdf) and AIDA report 2016.

overcrowded apartments under deplorable conditions, often without access to electricity, toilets or running water<sup>40</sup>. Some end up living in the streets, others are in constant danger of eviction. No alternatives are provided to them and no prospects for the future. Many survive only due to the help and support of others.

On the one hand, Greece lacks an effective national policy and a social support system for vulnerable groups and homeless people, and, on the other hand, the country has seen a significant increase of the number of homeless people and those living below the poverty line (including families). According to NGOs, there are about 17,000 homeless<sup>41</sup> in Attica region. In 2012, Article 29 of Law 4052/2012 for the first time defined the term “homeless people” as those who do not have any or have precarious access to accommodation with basic technical standards, as well as running water and electricity. According to the same Article many ministerial decisions on the social protection of homeless people are still pending. The identification and verification procedure of homeless people is not set by law and the social services of municipalities (Law 387/2010) in the most of the times do not identify and certify homelessness. In June 2017, the Municipality of Athens responded to a request by RSA lawyers, stating that such certificates could be provided only in cases where street workers have encountered applicants actually living in the streets, but there is no procedure for identification and certification of those homeless people who live in precarious conditions in abandoned places or squats, in overcrowded apartments without rental agreements, in houses without electricity or running water, or those living with the threat of eviction.

Such an omission results in further barriers to access to rights or, paradoxically, even access to allowances targeted specifically at those groups, as for many services (i.e. registration in tax office) and social allowances a declaration of residence (certificate of residence, itinerary contract, utility bills or a certificate of homelessness) is required (as see details in “Difficult access to necessary documents – general barriers to accessing social rights”).<sup>42</sup> In other instances, such as when obtaining an unemployment card

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40 See also AIDA report Greece 2016: “According to GCR’s experience those in need of shelter who lack the financial resource to rent a house remain homeless or reside in abandoned house or overcrowded apartments, which are on many occasions sublet (page 142), and Greek Refugee Council 2015: Report to the UN Committee on Economic, Social and Cultural Rights in view of 55 Session. Source: [tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/GRC/INT\\_CESCR\\_ICO\\_GRC\\_19295\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/GRC/INT_CESCR_ICO_GRC_19295_E.pdf), and interviews with “One Child One World” (May 2017), Praksis (June 14<sup>th</sup>, 2017), Babel, GCR, RSA fact-finding visits.

41 <http://www.feantsa.org/download/greece-cfsh-nov-2016-final3873627622951940527.pdf>, Social risk and luck of accommodation in Athens, October 2015, Arapoglou Gounis, Siatista, Soulele ( <http://ineobservatory.gr/publication/kinoniki-episfalia-ke-ellipsi-stegis-stin-athina-diadromes-apoklismou-ke-entaxis/> )

42 See also page 43 about lack of access to services and social allowances due to lack of residence in Social risk and luck of accommodation in Athens, October 2015, Arapoglou Gounis, Siatista, Soulele,



(OAED) or accessing the benefit of free transportation (no payment of tickets) or opening a bank account, there is no alternative provision for homeless people than providing certificate of residence.

RSA has also monitored a number of cases of beneficiaries of international protection who were sent back by other EU countries and upon their return to Greece had to sleep in the streets in desperation, without any access to food, water and sanitary facilities. Upon their arrival at the airport no support was given to them, nor any information provided to them, irrespective of their vulnerability. They were left to survive by their own means.

M.H., a single woman from Iran who suffers from psychological problems, is in need of security. She applied for asylum in Athens and was not provided with any assistance at the reception stage. She was recognized as a refugee in Greece in 2015, but not provided with any further support. She survived only due the solidarity of a compatriot but ended up living in the streets. In 2017, she travelled to Sweden where she asked for international protection, but her application was rejected and she was returned to Greece in April 2017. For a number of days she had to live in the streets in dangerous conditions and without any money, before finding a temporary place in a squat in Athens. Her accommodation there is precarious as the public prosecutor has ordered the eviction of the squat. She has asked for support from different social services, but she cannot even apply for solidarity benefit allowance as she has no rental contract or certificate proving her homelessness. The social services responded to a request for information, stating that they are not able conduct visits to places where people are living. M.H. is surviving only due to the solidarity of others.

M.R., a single woman from Iran, and her daughter were recognised as refugees while living in Elliniko camp, where they faced serious security problems. As no other alternative was available, they found a shelter in a squat in Athens. As she does not have proper accommodation documents (either as an applicant for asylum or refugee), she does not have access to a tax number, tax declaration or bank account, and consequently neither to social benefit allowance or formal work.

### 3.5. Obstacles in accessing health care

According to Article 31 par.1 of PD 141/2013 (Article 30 par.1 of the Directive 2011/95/EU<sup>43</sup>), beneficiaries of international protection have access to medical care under the same conditions applicable to Greek citizens.

Under Article 31 par. 2 of PD 141/2013 (Article 30 par.2 Directive 2011/95/EU), to persons with special needs (in particular, pregnant women, the disabled, victims of torture, rape or other serious forms of psychological, physical or sexual violence, or minors who have been the victims of any form of maltreatment, torture, cruel, inhumane or degrading treatment or suffered from armed conflict), adequate medical treatment shall be provided, including for mental illness, where appropriate, under the same conditions that apply to Greek citizens.

In a measure introduced because of the humanitarian crisis, Article 33 of Law 4368/2016 states that persons without health insurance and members of vulnerable social groups, **such as the beneficiaries of international protection, shall have free access to the public health system** and are entitled to medical care. Accordingly, beneficiaries of international protection should have free access to public health care without any restriction.

However, structural deficiencies (such as the lack of available information and qualified interpreters and cultural mediators) and the impact of the financial crisis on the health system (lack of funds for medicines, technical equipment, material and a lack of professional staff, long waiting lists and increase of co-payments) complicate the access of beneficiaries to health care.

UNHCR records that: “Health professionals are not correctly informed on asylum seekers’ and refugees’ rights and documentation and they often refuse to treat them or refer them to specialists. There are many problems and complaints about insufficient

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43 **Health care:**

1. Member States shall ensure that beneficiaries of international protection have access to healthcare under the same eligibility conditions as nationals of the member state that has granted such protection.

2. Member States shall provide, under the same eligibility conditions as nationals of the member state that has granted protection, adequate healthcare, including treatment of mental disorders when needed, to beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhumane and degrading treatment or who have suffered from armed conflict.

provision of medicines. The lack of interpreters in hospitals and health services complicates the situation.<sup>44</sup>”

The UN Independent Expert on the Effects of Foreign Debt has expressed his concerns about the impact of the austerity measures on the right to health<sup>45</sup>. In its recent concluding observations on the second periodic report for Greece, the Committee on Economic, Social and Cultural rights noted that refugees, asylum seekers and undocumented migrants continue to encounter difficulties in gaining access to healthcare facilities, goods, services and information and expressed its concerns about the severe impact of the financial crisis on the health system, especially on the mental health sector.<sup>46</sup>

The Greek National Committee for Human Rights and UN Independent Expert on the Effects of Foreign Debt stated that “the unprecedented cuts to the public health system have resulted in critical understaffing in parts of the public health system, an increase in co-payments and waiting lists, and difficulties in providing effective and affordable access to the right to adequate health care for all.”<sup>47</sup>

In January 2017, the doctors’ association in Athens complained about a severe lack of necessary medicines and medical items, with serious consequences for the patients. They highlighted the example of Laiko hospital in Athens, where due to a lack of medication treatment of cancer patients had to be postponed.<sup>48</sup>

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44 Correspondence from February 10<sup>th</sup>, 2017 from UNHCR.

45 [“UN Independent Expert on the Effects of Foreign Debt 2016: Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights on his mission to Greece](#) see at: [www.ohchr.org/EN/HRBodies/HRC/.../Session31/.../A.HRC.31.60.Add.2\\_AUV.docx](http://www.ohchr.org/EN/HRBodies/HRC/.../Session31/.../A.HRC.31.60.Add.2_AUV.docx)

46 UN, Concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Greece, E/C.12/GRC/CO/2, 27.10.2015, par.35 in [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGRC%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGRC%2fCO%2f2&Lang=en)

47 National Committee for Human Rights 2017: OBSERVATIONS SUBMITTED BY THE GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS (GNCHR) IN VIEW OF THE EXAMINATION OF THE 27<sup>th</sup> GREEK REPORT ON THE APPLICATION OF THE EUROPEAN SOCIAL CHARTER (ARTICLES 3, 11, 12, 13 AND 14) AND ON THE 11<sup>th</sup> GREEK REPORT ON THE APPLICATION OF THE ADDITIONAL PROTOCOL TO THE EUROPEAN SOCIAL CHARTER (ARTICLE 4) (REFERENCE PERIOD January 1<sup>st</sup>, 2012 – December 31<sup>st</sup>, 2015) par. 14

[http://www.nchr.gr/images/English\\_Site/YGEIA/GNCHR\\_ECSR\\_Plenary\\_30\\_Jan.pdf](http://www.nchr.gr/images/English_Site/YGEIA/GNCHR_ECSR_Plenary_30_Jan.pdf), “UN Independent Expert on the Effects of Foreign Debt 2016: Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights on his mission to Greece” see at: [www.ohchr.org/EN/HRBodies/HRC/.../Session31/.../A.HRC.31.60.Add.2\\_AUV.docx](http://www.ohchr.org/EN/HRBodies/HRC/.../Session31/.../A.HRC.31.60.Add.2_AUV.docx)

48 Source: <http://www.isathens.gr/syllogos/arxeio-drasewn-isa/6576-isa-ekfrazei-anisixia-gia-elleipseis-se-dimosia-nosokomeia.html>

Refugees also suffer from this situation, especially vulnerable persons or those who cannot afford to buy medicines.

Persons with disabilities also face great difficulties in their efforts to access welfare benefits. First they have to be seen by the Disability Accreditation Centre to assess if their disability is at a level above 67% and then there are often still significant delays in the procedure. Refugees often cannot afford to pay the necessary fees, and there are many problems and complaints about insufficient provision of medicines<sup>49</sup>.

Greece has not established a system of interpretation and cultural mediation in hospitals and health services, resulting in serious barriers to effective access to health.

Especially for those with mental health problems (adults and minors) the lack of interpretation and cultural mediation impedes a proper diagnosis and consequently necessary therapy. Nikos Gionakis of the NGO Babel highlighted<sup>50</sup> cases where patients' mental health state was not properly diagnosed due to inadequate examination and interpretation, which resulted in these patients either not being hospitalised (even though they should have been) or not receiving appropriate therapy. Children in need of mental health diagnoses also suffer from long waiting times for appointments and of lack of interpretation and cultural mediation, resulting in insufficient diagnoses and treatments<sup>51</sup>.

### **3.6. Problematic access to the labour market**

According to Article 27 of the Greek PD 141/2013 (see also Article 26 of Directive 2011/95/EU), as amended by Law 4376/2016 (Article 69)<sup>52</sup>, refugees and subsidiary protection beneficiaries with a legal residence have access to employed or self-employed work under the same conditions as Greek nationals. Specifically, since March 2016,

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49 RSA correspondence with UNCHR, dated 10.02.2017.

50 Interview RSA, dated May 2017.

51 One Child One World, interview RSA, dated May 2017.

52 1. Member States shall authorise beneficiaries of international protection to engage in employed or self-employed activities subject to rules generally applicable to the profession and to the public service, immediately after protection has been granted.

2. Member States shall ensure that activities such as employment-related education opportunities for adults, vocational training, including training courses for upgrading skills, practical workplace experience and counselling services afforded by employment offices, are offered to beneficiaries of international protection, under equivalent conditions as nationals.

3. Member States shall endeavour to facilitate full access for beneficiaries of international protection to the activities referred to in paragraph 2.

4. The law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply.

beneficiaries of international protection no longer need a work permit according to Article 69 of Law 4375/2016. According to Article 27 par. 2 of PD 141/2013, Article 70 of Law 4375/2016, beneficiaries have access to enrolment in vocational training programs, under the same regulations as those for Greek nationals. Furthermore, Article 28 of PD 141/2013 (Art. 28 of the Directive 2011/95/EU<sup>53</sup>) states that beneficiaries shall have access to recognition of previous diplomas, qualifications etc.

In practice, however, access to work for beneficiaries is almost impossible, since beneficiaries do not possess the same prerequisites as Greeks citizens, such as language skills, social networks, geographic and cultural knowledge, psychological condition, and no national strategy or targeted measures or programs helping with employment and accessing the labour market are put in place by the responsible Greek authorities. Additionally, no mechanism to assess previous professional skills and qualifications exist, resulting in further barriers to access to work or to vocational training programs. Problems are compounded by the economic crisis and the high unemployment rate in Greece (which currently on March 2017 runs at over 23,5 %<sup>54</sup>), which means that prospects for finding work are dire – especially for newcomers.

As UNHCR stated: “The current situation is disappointing. Most beneficiaries are unemployed and destitute or have recently lost their jobs and face serious financial problems. There is also no specific national strategy for the promotion of socio-economic empowerment and self-reliance of recognised refugees. There are currently no employment programmes of the OAED, targeting specifically recognised refugees as beneficiaries. And there is no mechanism to assess refugees’ qualifications, skills and previous professional experience”.<sup>55</sup>

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53 **Access to procedures for recognition of qualifications:**

1. Member States shall ensure equal treatment between beneficiaries of international protection and nationals in the context of the existing recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications.

2. Member States shall endeavour to facilitate full access for beneficiaries of international protection who cannot provide documentary evidence of their qualifications to appropriate schemes for the assessment, validation and accreditation of their prior learning. Any such measures shall comply with Articles 2(2) and 3(3) of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

Access to education

1. Member States shall grant full access to the education system to all minors granted international protection, under the same conditions as nationals.

2. Member States shall allow adults granted international protection access to the general education system, further training or retraining, under the same conditions as third-country nationals legally resident.

54 For statistical data, see at: <http://ec.europa.eu/eurostat/documents/2995521/8002525/3-02052017-AP-EN.pdf/94b69232-83a9-4011-8c85-1d4311215619> and <http://www.statistics.gr/>

55 Correspondence dated February 10<sup>th</sup>, 2017 from UNHCR

Additionally, homeless beneficiaries are in effect barred from enrolment in the Employment Agency (OAED) and from being granted an unemployment card, as they are required to submit documents which are difficult or even impossible to obtain (tax declaration, rental agreements, utilities bills etc.). Homelessness certificates – even if they are provided – are not accepted by OAED. Such an unemployment card is necessary for obtaining employment benefit, free transportation, for enrollment to OAED program or for finding a job.

Even if a job could be found, homeless beneficiaries – who cannot have access to tax registration and bank accounts – cannot be employed.

Most opportunities to work are to be found in the informal economy and are low-paid, precarious and often risky jobs without social insurance. In Athens, some refugees even collect waste paper or other materials from rubbish dumps to sell to intermediaries for recycling. Under such conditions they work uninsured, they are deprived of their labour rights and are easily exploited.

Formally employed beneficiaries are entitled to the same benefits and have the same labour rights as Greek nationals. Those who have lost their job are entitled to be granted employment benefits, as Greek Nationals (360 Euro per month for a period of 5-12 months) but are not entitled to the social benefits for the long-term unemployed, as Law 4093/2012 (Article IAIII) provides that this is only accessible to Greek citizens and other EU nationals.

### **3.7. Difficult access to social allowances**

According to Article 30 of PD 141/2013 (Article 29 of the 2011/95/EU Directive, par. 1 and 2<sup>56</sup>), Member States shall ensure that beneficiaries of international protection receive, in the Member State that has granted such protection, the necessary social assistance as provided to nationals of that Member State.

Austerity measures directly affected the legislation, hence resulting either in restrictions to social allowances for beneficiaries of international protection (allowance for uninsured seniors and family allowances), to their termination (i.e. allowance of unprotected child),

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#### **56 Social welfare:**

1. Member States shall ensure that beneficiaries of international protection receive, in the Member State that has granted such protection, the necessary social assistance as provided to nationals of that Member State.

2. By way of derogation from the general rule laid down in paragraph 1, Member States may limit social assistance granted to beneficiaries of subsidiary protection status to core benefits which will then be provided at the same level and under the same eligibility conditions as nationals.

or to the establishment of new ones in view of the humanitarian crisis (social solidarity allowance).

In particular, the first Article, par. IA, subpar. IA. 6. of Law 4093/2012<sup>57</sup> amended the conditions under which uninsured senior citizens (over the age of 67) are entitled to a monthly pension (of 360 euro) to cover their needs).

According to the new provisions, from January 1<sup>st</sup>, 2013 onwards this pension is granted on the additional condition that the applicants have been living permanently and legally in Greece for the last 20 years before applying for the pension. Under Article 93 of Law 4387/2016 the requirement of 20 years was reduced to 15 years' legal and permanent residence in Greece. In practice the period while they were applicants of international protection is not calculated.

Consequently, the vast majority of elderly beneficiaries of international protection are excluded from the allowance as they cannot fulfill this precondition of 15 years residence. As a result beneficiaries of international protection who had been receiving allowances for years lost their only support and were left without any means to survive. RSA is aware of a case of an elderly couple of Iraqi Christians who could no longer cover their basic needs after the termination of pension payments and therefore decided to return to Iraq despite the immediate threat to their lives.

The “single child support allowance”, introduced by first Article, par. IA, subpar. IA.2 Law 4093/2012<sup>58</sup> as amended by Article 6 of Law 4472/2017 replaced the existed family allowances. This allowance amounts to maximum 40 Euro per month for each child and it is paid after taking a number of parameters into consideration, such as the number of the dependent children, the equivalence scale, the equivalent income and the income category of the family and on the condition of a ten years legal residence.

The “special allowance of 500 Euro for each child per year” was established by Article 40 of Law 4141/2013<sup>59</sup> as amended by Article 65 of Law 4170/2013, as an additional allowance for families who have three dependent children or more, based on family income criteria.

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<sup>57</sup> (Official Gazette Volume A', Number 222/12.11.2012) under the title “Ratification of Mid-term Fiscal Strategy 2013-2016–Urgent Regulations relating to the Implementation of L.4046/2012 and the Mid-term Fiscal Strategy 2013-2016”.

<sup>58</sup> Official Gazette Volume A', Number 222/12.11.2012.

<sup>59</sup> Official Gazette Volume A', Number 81/05.04.2013.

For both above mentioned family allowances the law requires 10 years of legal and permanent residence as a precondition for eligibility, with the period as applicants of international protection again not being calculated. Given the fact that these allowances are the only ones provided to families with children, refugees are excluded from any family support for the first 10 years of their stay in Greece following their recognition. But even after 10 years refugees might be blocked accessing the family allowances, as they might not being able to submit the necessary family certificates.

According to the above-mentioned legislation the family allowances are provided only to recognized refugees and to holders of humanitarian status, but exclude the beneficiaries of subsidiary status.

Other allowances, such as the single parenting allowance (the so-called allowance for the “unprotected child”, 44 Euro monthly) have been terminated in accordance with Article 57 of Law 4472/2017.

Furthermore, beneficiaries are excluded by law from two other existing allowances: The social allowance to students (1000 Euro annually) according to Law 3220/2004 Article 10 is provided only to Greek nationals and EU nationals.

Since February 2017, a social solidarity allowance (200 Euro for every adult member and 50 Euro for each child under 18 years old) is provided, as regulated by Article 235 of Law 4389/2016, which was designed in the current humanitarian crisis to temporarily support people who live below the poverty line. Provision is based on the following criteria: family status and family members, income and assets. It is described as a solidarity program and connected to supplementary services, such as access to social services that may provide cheaper electricity or water. However, the preconditions are difficult to meet: a tenancy agreement/ hosting declaration/ utility bills, a tax declaration and a bank account. A family status certificate must also be submitted to the tax office in order for family members to be registered. Homeless applicants are required to submit a homelessness certificate issued by the Municipality or by shelter or a day centre. As already described above, it is almost impossible for homeless beneficiaries to provide all of these documents and hence they cannot apply for the allowance.

RSA follows up on cases of refugees in Athens who live in abandoned places, temporarily live in squats or informally in overcrowded apartments or had been evicted and who are not able to provide all the necessary documents such as tax registration and declarations, bank account, accommodation papers or homelessness certificate.

Many beneficiaries faced the same obstacles when they tried to apply for a food card, which was provided by the Municipality in 2016 and was valid only for one year.



### **3.8. Problematic access to education**

According to Article 28 par.1 of the Greek PD 141/2013 (see also Article 27 par.1 of Directive 2011/95/EU), minor beneficiaries of international protection have the same right to access to education as Greek nationals. According to Article 28 par. 2 (Article 27 par.2 of Directive 2011/95/EU), adult beneficiaries are also entitled to the educational system as well as to training programs under the same preconditions with third country nationals living in Greece.

In 2016, the Ministry of Education (MoE) adopted a flexible educational program for refugee children issuing a number of ministerial decisions and circulars. The basic new legal framework regulates the registration into schools with the circular of MoE 108457/Δ204/07/2016 “Reception Classes of Educational Priority Zones” (ZEII) and the “Facilities for the Reception and Education of Refugees” (DYEP) by the Ministerial Decision no 131024/Δ1 dated 08.08.2016 (national gazette 2687/B/29.08.2016) and additionally the common ministerial decisions on DYEP 152360/ΓΔ4/2016 – (national gazette 3049/B/23.09.2016) and 180647/ΓΔ4/2016 (national gazette 3502/B/31.10.2016). Still access to education is not guaranteed for all the minor beneficiaries of international protection.

According to this law currently in Greece two different educational systems are implemented in parallel, depending on the sites where children live in:

a) Families living in temporary accommodation camps on the Greek mainland have the right for their children to attend afternoon classes in a “facility for the Reception and Education of Refugees” (DYEP). But these classes are newly established (end of 2016), employing deputy teachers, without any relevant inter cultural training. Furthermore this program is not certain if it would be continued within the school year 2017-2018. Additionally, the above mentioned children residing in temporary camps could not have always access to DYEP due to deplorable living conditions and lack of transportation means.

b) For those living outside of temporary accommodation camps, children have to attend a regular school (morning classes). In order for the children to be enrolled or to allow them to be promoted to the next grade in a regular school, parents need to present a proof of received vaccinations and also provide a proof of their address (problems might arise in cases they do not have a rental contract or an electricity bill in their name) as well as a health certificate and card.

Even though there have been two circulars<sup>60</sup> regulating these issues, the Greek Ombudsman still mentions that “refugees continue to encounter serious delays and hardships up to the end of 2016, despite the above regulations”.<sup>61</sup> Students might still be excluded because they are missing supporting documents or because of delays.

In an attempt to strengthen the educational system for the refugee children in Greece, in the summer of 2016, the Greek State founded “Reception Classes of Educational Priority Zones” (ZEII) with a duration that cannot exceed one year. These classes are limited, created only in the primary schools, insufficient to ensure integration of the children and do not include children over 15 years old (secondary education).

In secondary education the situation is even more challenging as the existing intercultural schools are not sufficient enough and there is no prediction for “Reception Classes of Educational Priority Zones” (ZEII).

Furthermore, it was up till now impossible to find an appropriate solution to the lack of possibility to document secondary education (high schools) and possible ways to match the foreign certificates with the Greek ones, so that children over the age of 15 years have the chance of enrollment in Lyceum (Secondary Education - Ages: 16 ~ 18) or professional schools.

Lack of interpreters and cultural mediators, at any stage of the enrollment procedure and the school classes increases the already existing difficulties for both refugee families and teachers.

The governmental educational program for refugee kids has been mainly criticised for the lack of integration measures, keeping the refugee kids separate from the others and for the inadequate training and experiences of the teachers employed there. Extra teachers employed for the special reception classes in the afternoons were recruited from a pool of state-registered supply teachers who have not been trained in intercultural education or teaching Greek as a second language. At the same time, the 13 nationwide existing intercultural schools lack the capacity to host more pupils.

Given the fact that refugee children differ in their educational background and needs and the rising tensions in public schools in some local communities against refugee children’s attendance any systematic educational program is still absent.

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60 Circular No. 108457/Δ2 dated 4.7.2016 (Circular related to the enrolment of students from third countries with incomplete documentation in Secondary Education school units of the country).

61 Greek Ombudsman report “Migration flows and refugee protection”, May 2017, page 63 see: [https://www.synigoros.gr/resources/docs/greek\\_ombudsman\\_migrants\\_refugees\\_2017\\_en.pdf](https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf)

### 3.9 Obstacles accessing further integration steps, and obstacles in family reunification

The lack of any integration scheme, the obstacles accessing social rights, the deplorable living conditions of beneficiaries of international protection as well as further bureaucratic problems impede further integration steps, such as long term residency (Article 89 of Immigration Code, which require as a precondition a minimum income and social security, as well as knowledge of the Greek language and society) and nationality (which requires among others language skills, integration in the Greek society) .

Regarding family reunification<sup>62</sup> following RSA research<sup>63</sup> it is concluded that this procedure is protracted and that the majority of applications for family reunification were either rejected by the Authorities (both by the Asylum Service or the Police Authorities) or not answered at all. There are cases where applicants have been waiting for years. In other cases the Greek authorities have accepted an application but in the end the competent consulate denied granting visas for the relatives, without giving any explanation. In particular, during almost the past two years no visas have been provided for family reunification due to impediments at the Ministry of Foreign Affairs. In other cases, the Greek authorities requested documents which were difficult to access] or denied the applications merely because of missing family status documents. In many cases refugees had not even received any information on the possibility of family reunification and were not aware of the three-month deadline and of the available remedies.

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62 According to the transposition of the Family Reunification Directive in PD 131/2006, as supplemented by PD 167/2008 and amended by PD 113/2013, only **recognised refugees** have the right to apply for reunification with family members who are third-country nationals, if they are in their home country or in another country outside the EU under specific conditions (such as documents proving the family bind, to have social security, adequate annual personal income, which amounts to no less than the annual income of an unskilled worker – in practice about 8,500 Euro – plus 20% for the spouse and 15% for each parent and child with which he or she wishes to be reunited and house contract).

63 Also interview with Greek Council of Refugees June 2017, and Greek Refugee Forum October 2016.

4. **EXTRACTS OF INTERVIEWS WITH BENEFICIARIES OF INTERNATIONAL PROTECTION**

***“The state cannot provide me with any aid!”***

T.N., a man from Syria<sup>64</sup>

He arrived in Chios Island on January 1st, 2016. Later, when the border in Idomeni closed, he applied for asylum in Greece. In June 2016 he was given an appointment via Skype. His interview took place one month later. “They asked me a few questions and then they gave me subsidiary protection. I wanted to get legal papers to work and live like a normal human. They told me very clearly that they could not offer me any help from the state.” The Syrian man has temporarily found accommodation with a friend. “I asked an NGO to advise me on how I could get a tax number and social insurance number. Every day I go from one NGO to another to collect food. I cannot think of anything else. There is no work for refugees and no social welfare. My pockets are empty,” he says.

***“Now we finally have papers and still we are forced to move on.”***

N.S. (42), a Palestinian woman from Syria<sup>65</sup>

N.S. arrived in Greece in 2013 via the Evros River. In September 2014 she applied for asylum and was granted with subsidiary status as late as August 2016. In Syria she had a workshop and was producing clothes. “In each European country I have a relative, but yet I am trapped in Greece. I have been living in Athens for three years. It was already very difficult to apply for asylum. Now I’m staying with my friends because I don’t have a house. I receive food from different organisations. I have nothing. I don’t get anything from the state. Now I’m waiting to get my passport. As soon as I get it, I just want to move away. I just want a life in dignity, nothing more. The Greek people are the best, but I cannot survive here. We wish for peace in Syria. I will be the first to go back then. My life was beautiful before the war. But we were forced to leave. Now we finally have papers and still are forced to move on.”

***“We were just granted asylum, without any further information.”***

S.H., from Kobane in Syria<sup>66</sup>

64 Interviewed on October 5th, 2016 and May 26th, 2017 in Athens (Greece).

65 Interviewed on October 5<sup>th</sup>, 2016 in Athens (Greece).

66 Interviewed on May 4<sup>th</sup>, 2017, near Ritsona (Greece).

“We arrived in Samos nine months ago. I am here with my husband and my daughter. She is 1½ years old. We made the asylum request as soon as we arrived in Greece. Three months ago they gave us subsidiary protection. We were living in a tent, even in the winter. We were there for three months. I asked them to give us a container but they didn’t.

The Asylum Service in Samos told us, when you get asylum we will find you a home and all the other things you need. Now we have been here in Ritsona for six months. They sent us here from Samos without telling us where we would go. We were just granted asylum, without any further information. Nobody explained to us what AFM or AMKA is. We don’t have these things yet. My husband cannot walk well because the Turkish border guards beat him when we crossed the border from Kobane. We couldn’t go to the hospital. They didn’t inform us about the possibility of receiving financial assistance because of my husband’s problem.

***“We applied for travel documents six months ago.”***

J.A., from Afghanistan<sup>67</sup>

The couple S.A. and J.A. from Afghanistan arrived on Lesbos Island in Greece on March 2nd, 2016, i.e. before the closure of the West Balkan Route. They stayed in Elliniko Camp until the woman gave birth to her first son on March 27<sup>th</sup>, 2016. After the birth they had to move back to the camp, but found a supporter who offered them free alternative housing. As vulnerable persons they received an appointment at Frouarchio Asylum Office in Athens with the help of a pro bono lawyer, and two months later they received subsidiary protection status in Greece. In November 2016 they applied for their travel documents but to date have not received them.

“We are very lucky to have free accommodation. But we have no income. We tried to apply for the cash-card, but until now we have not been successful. They told us we had to wait because we are recognised. We have to eat something. We have to buy some things for our son that we can’t get for free from other places. I am trying to learn Greek in a nearby social centre. I am also trying to find work, but I cannot. I was an interior decorator in Iran. My wife was a painter. I like it here in Greece but we cannot survive. That’s why we want to leave. We applied for travel documents six months ago. But I don’t know what the problem is. We still wait. If we didn’t have the help of the lawyer we wouldn’t even be able to enter Katekhaki most of the times and we might not even have made the application at all.”

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67 Interviewed on April 28th, 2017 in Athens (Greece).

***“We had nowhere to go!”***

M.H., a single woman from Iran<sup>68</sup>

This returnee is a vulnerable Iranian woman who suffers from psychological problems and is in need of security. She was initially recognised as a refugee in Greece in 2015 and in April 2017 was returned to Greece by Sweden after only three months there. She had to stay for some days in the streets under precarious conditions without any money, before finding a place for some days in a squat in Athens. “I tried to enter the asylum service every day without success. I was waiting alone in the middle of the night. I got abused by others waiting there. In December 2015 I finally got political asylum in Greece. They told me: You have asylum now. Go out. They didn’t help me even with a single Euro. On January 11<sup>th</sup>, 2017 I left for Sweden. After one week I asked for asylum. I told them that I was a beneficiary in Greece, but I was not able to survive there. They didn’t even take an interview from me to hear my problems. I was seeing a psychologist for my problems. They told me that Greece wanted us back and that I’d find help upon return. Then they put me in deportation detention. After one month they sent me back to Greece. There were two civil police officers waiting for us at the airport. They brought us to the police station. We were held for three hours without access to water or to a toilet. The officer was angry and told us that if we didn’t like it in Greece we could also return back home. He threw our Greek documents on the table and shouted: Go! We had nowhere to go and no money in our pockets. We took a ride on the public bus without a ticket and went to Patras, where we had stayed before returning to Sweden, being homeless. It was the only place we knew. We had a list of organisations where we were told to look for help, but no one could support us because we already had asylum. We had nowhere to go. We went to the lighthouse on the shore and thought about ending our lives.”

***“I have been trying to get these basic examinations for three months!”***

A.T., a man from Syria<sup>69</sup>

A.T., his pregnant wife and their four children arrived on Chios Island in Greece on August 10<sup>th</sup>, 2016. The Syrian father is the victim of a bomb attack, the wife had triplets, and all children were under 10 years of age. The Reception and Identification Service registered their vulnerability<sup>70</sup>, so they were excluded from the admissibility procedure. The family applied for asylum on September 23<sup>rd</sup>, 2016 as they had no close relatives in Europe and moved to Athens on November 4<sup>th</sup>, 2016, into a flat provided by an UNHCR accommodation scheme. On January 20<sup>th</sup>, 2017 their fifth child was born in Athens. On January 2<sup>nd</sup>, 2017 they received international protection via a fast-track procedure.

68 Interviewed on May 2<sup>nd</sup>, 2017 in Athens (Greece).

69 Interviewed on March 10<sup>th</sup>, 2017 and May 5<sup>th</sup>, 2017 in Athens (Greece).

70 According to the registration document, the father A.T. had a “Nephroctomy 2012 as a trauma of a bomb” and his wife B.T. was “four months pregnant with triplets”.

“We received the shocking message that we had been granted asylum in Greece but at that moment lost the right to accommodation. We were told that we will have to leave the flat within three months and to end up on the streets with all our children. We didn’t know what to do then. We have no money and no work. I cannot work because I am sick. I have injuries following a bomb attack.”

Furthermore, due to the lack of an interpretation and mediator scheme his access to public health was hampered. “I have been trying to get these basic examinations for three months. I have pain and I am afraid that I might suffer from a disease. What would happen to my family then?”

***“This is inhumane. It is undignified!”***

M.B. (34) from Darfur / Sudan<sup>71</sup>

M.B. is a victim of torture from Darfur in Sudan. He came to Greece via Samos Island in 2008. He first applied under the old system, then re-applied under the new asylum service, and in February 2016 received his recognition. He applied for a social benefit for the disabled, and is staying in a home run by an NGO where he shares a room with another man. He doesn’t get any further support from the state. “The Greek government has not given us a single euro of help – only the support for the disabled. I want to leave here. I have had many bad experiences in Greece. I have been homeless for years. The police beat me. I was in detention for nine months and 29 days and I was almost deported to Sudan in 2010 at a time when dozens of my relatives were killed there. I suffer from strong pains in my knee and have had an operation. I suffer. I am tired. If I could walk, I would have left Greece when the route was open. The European countries should not deport refugees to Greece. Here there is in an ongoing economic crisis. We live here most of the time homeless without access to running water, electricity or food. If we do find work, then only for one or two euro per hour. Other than that we have no choice other than searching the garbage for materials and objects that we might be able to sell somewhere. We cannot survive this way. This is inhumane. There is no dignity.”

***“That is why everyone runs away from Greece. We cannot survive here!”***

L., a woman from Uganda<sup>72</sup>

This woman arrived on Chios Island in April 2015, applied immediately for asylum and received subsidiary status in Greece in November of the same year. Ever since then she has been struggling to survive. “They told me that I now had the same rights as Greek nationals. I would have the right to look for work. But here even the Greeks find no work. Hundreds are fighting for a job.

71 Interviewed on October 4<sup>th</sup>, 2016 in Athens (Greece).

72 Interviewed on October 19<sup>th</sup>, 2016 in Athens (Greece).

I have a tax number but I don't know how to make a tax declaration. The only help I get is food from the municipality and from some NGOs. I now work in a house six days a week without insurance. It's not registered work. In the beginning I stayed in a church for 1½ months, but I had to leave. Now I pay 100 euro monthly for an one room-apartment. I cannot do anything other than this job. I have not learned the Greek language. Even if there were rights, I have no language to ask for them. There is no future improvement possible in my life. I will never be able to improve or integrate. When I need medical help, the NGOs tell me to go to the public hospitals because I am recognised now. I am like the Greeks, they say. Last year I had to pay 44 euro for one examination in a public hospital. That is so much for me. And what will I do if I lose my job, or when I'm old and cannot work anymore? That's why everyone runs away from Greece. We cannot survive here. We cannot even afford to eat."

***"I don't know where to find help and what to do."***

A.S.K., a man from Afghanistan<sup>73</sup>

This Afghan father of four arrived in Greece in September on Samos Island and was transferred to Northern Greece in early 2017. "Three months ago I had my asylum interview on the island. One month later I received the answer that I had been granted international protection. I read it on the news board. The Asylum Service employee told me later that I now had the same rights as the Greeks. They told me I could work. I said I don't know the language in order to find work. They also told me I could bring my family within the first three months upon recognition. But here in Nea Kavala there is no translator. My wife and children are in Afghanistan. I don't know where they are or if they are alive. I don't know how to find them. Now I have been here for more than one month and I have not received any money yet. I have no money to go to the asylum service in Thessaloniki. They told me I should take the bus. I don't even know the price. How can I go to Thessaloniki alone, without money? This is also why I haven't yet applied for a passport. I wasn't told anything about where I will stay in the future. They just said that I could go anywhere I want. I said I had nowhere to go and they sent me here. I went to the organisations here in the camp to ask them for help to get a tax number and a social insurance number, but again there was no translator available. I don't know where to find help and what to do. I just feel that I don't want to be awake.

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73 Interviewed on April 27<sup>th</sup>, 2017 in Nea Kavala (Greece).



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