

**UPDATE**

**LEGAL NOTE**

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

**Frankfurt/ Athens/ Chios**

**August 30<sup>th</sup>, 2018**

***(Original Version)***

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## Opening remarks

PRO ASYL/Refugee Support Aegean (RSA)'s June 2017 legal note on the situation of recognized refugees in Greece states: »*The current living conditions for beneficiaries of international protection in Greece are alarming, as beneficiaries do not only suffer from the lack of opportunities for 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 Geneva 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'.*».<sup>1</sup>

The above-mentioned legal note was updated in August 2018 and shows that living conditions for refugees in Greece have not improved. There are still widespread deficits in the reception, care and integration of beneficiaries of protection.

Considering the PRO ASYL/RSA report of June 2017, the Federal Constitutional Court ruled on July 31<sup>st</sup> 2018 that it cannot be generally assumed, that recognized beneficiaries of international protection in Greece can be returned.<sup>2</sup> It has to be examined on a case-by-case basis whether the livelihood of those affected is guaranteed and whether access to shelter, food and sanitary facilities is secured.

Lawsuits conducted by recognized refugees against deportations to Greece before administrative courts, referring to the findings of the PRO ASYL/ RSA report, have also been successful.<sup>3</sup>

PRO ASYL/RSA monitor cases of returned refugees from other European countries to Greece and document how they live homeless or in precarious conditions in occupied buildings in Athens or in abandoned buildings without access to electricity or water.

In practice, refugees still have no secure access to shelter, food, medical and psychological treatment or to the labor market. It is still the case that protection for recognized refugees in Greece exists only on paper.

Karl Kopp  
Frankfurt am Main, December 14<sup>th</sup>, 2018

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<sup>1</sup> PRO ASYL/ RSA: Legal Note 23/07/2017 On the living conditions of beneficiaries of international protection in Greece. Right and effective protection exist only on paper: The precarious existence of beneficiaries of international protection in Greece. <https://bit.ly/2L2IjNy>.

<sup>2</sup> BVerfG, decision from 31/07/2018, 2 BvR 714/18.

<sup>3</sup> Exemplarily: VG Trier from 05/01/2018 (8K 10974/17.TR); VG Düsseldorf from 25/06/2018 (12K 3103/18.A); VG Magdeburg from 09/08/2018 (9A 198/ 18 MD).

## 1. Social Benefits

A single male beneficiary of international protection – who is not accommodated in any reception facility or shelter – is in theory entitled to submit an application asking for social solidarity allowance under article 235 of Law 4389/2016 (200,00 € for adults per month). However, **in practice it is extremely difficult for beneficiaries of international protection to meet all the requirements**, such as to submit

- a recent tax clearance certificate,
- a tenancy agreement/ hosting declaration/ utility bill or certificate of homelessness/ certificate of a day center
- an IBAN/ bank account.

*Regarding tax clearance certificates:* Beneficiaries face specific barriers to properly register with tax authorities due to the lack of documents required for proving accommodation. Most of the tax offices in Athens and generally the tax offices in the mainland deny registration to those who cannot prove their accommodation or are homeless.<sup>4</sup> Therefore, a huge proportion is most likely not able to obtain a tax identification number and tax clearance certificates. At the same time, the competent authorities for granting social solidarity allowance request tax clearance certificates of the last two years.<sup>5</sup>

*Regarding the proof of precarious housing:* Additionally, upon return to Greece, beneficiaries of international protection will apparently not manage to get a homelessness certificate by the social service of the Municipality of Athens or other Municipalities, as a) the identification and the certification procedure for homeless people has not yet been regulated and b) due to lack of interpretation services, the social service of the Municipality often only supports those who speak English or Greek.<sup>6</sup>

The social service of the Municipality of Athens provides certificates of homelessness only to those whom street workers have encountered during their street work.<sup>7</sup> There is no set procedure for those who live under precarious conditions in abandoned or improper housing or who move around.

*Regarding bank accounts:* Beneficiaries of international protection cannot open a bank account and obtain an IBAN (pre-requisite for the social solidarity allowance) without presenting a certificate of residence and a tax clearance certificate.

## 2. Accommodation

**RSA/ PRO ASYL is not aware of any case of a returnee beneficiary of international protection who, upon arrival, has been provided by the competent authorities with an apartment under the UNHCR scheme or has been officially referred to a refugee site in the Attiki region or elsewhere in the mainland. Furthermore no returned refugee has received information about accommodation or has been granted a cash allowance.**<sup>8</sup>

On the contrary: RSA/ PRO ASYL follows-up on such cases of returnees from other European countries to Greece (Athens) and documents their life as **homeless or under substandard conditions in squats in**

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<sup>4</sup> Tax office, Chrisa Wilkens, RSA staff, July 2018.

<sup>5</sup> Information provided by social authority (KEA office) to Salinia Stroux. RSA staff, August 2018.

<sup>6</sup> Phone conversation between Chrisa Wilkens, RSA staff, and Mavra Barbarigou, KYAΔA, dated 12 – 13/07/2018.

<sup>7</sup> See footnote 4.

<sup>8</sup> Beneficiaries of international protection are returned to Greece to Eleftherios Venizelos airport cited in Attika region (Athens' airport). Therefore this report focuses on the situation in Athens, where the returnees arrive.

## Athens or in abandoned buildings without access to electricity or water.<sup>9</sup>

RSA/ PRO ASYL would like to stress that **only those beneficiaries of international protection who have been accommodated as applicants** for international protection in refugee sites or in an apartment under the accommodation scheme of UNHCR<sup>10</sup> are in practice allowed **to extend their accommodation in the same place for an additional period of about 6 months, upon their recognition**. Until now this is **only a confirmed habit**. It has not been regulated by law.

The UNHCR accommodation scheme is provided to vulnerable asylum seekers only. Consequently, the UNHCR provided statistical data about the accommodation scheme ESTIA, that stats that *»in June 2018, 4.200 beneficiaries have been accommodated in the UNHCR scheme and 7.100 have been provided with cash«*,<sup>11</sup> does not refer to/ include returnees.<sup>12</sup> Moreover, RSA/ PRO ASYL would like to stress that the UNHCR accommodation scheme is still a transitional humanitarian assistance and not a social welfare program.

There is limited capacity both in mainland temporary refugee sites and the ESTIA accommodation scheme. In June 2018, UNHCR estimated that in 26 open temporary accommodation sites in the mainland there were only a total of 22 free places available all over the country.<sup>13</sup> In the meantime, numerous transfers of asylum seekers from the overcrowded Reception and Identification Centers on the islands to the mainland are still pending.<sup>14</sup> Long waiting lists of several months also exist for vulnerable asylum seekers, who are to be transferred to housing under the ESTIA program. In one indicative case, a pregnant asylum-seeker and mother of a small child, blind and suffering from health problems, had to live for two months in a tent under humiliating conditions in Moria camp (Lesvos), until she was accommodated under ESTIA accommodation program<sup>15</sup>.

RSA/ PRO ASYL expresses its deep concern about what will happen to all those beneficiaries of international protection, who will be officially requested to leave their temporal accommodation in the future.

Substandard living conditions and high security problems in the overcrowded mainland sites have been highlighted by UNHCR and NGOs.<sup>16</sup> RSA/ PRO ASYL reported that, *»the refugee camps in the mainland are becoming once more overcrowded while reception conditions have a detrimental impact upon the physical and mental health of their residents«*.<sup>17</sup> Meanwhile, some camps got expanded with temporary tents and rub-halls to host new arrivals. Other camps located in former warehouses, which were previously shut-down for their inadequate reception conditions, got re-opened, for example the camp Oinofyta in Voiotia.<sup>18</sup>

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<sup>9</sup> Salinia Stroux , Athens, June-August 2018, as well as page 17 of RSA/PROASYL 2017 legal note.

<sup>10</sup> ESTIA program, funded by Emergency Support to Integration and accommodation by ECHO [European Civil Protection And Humanitarian Aid Operations].

<sup>11</sup> See: <https://data2.unhcr.org/en/documents/download/64741> .

<sup>12</sup> P. Mastakas, Associate protection officer, UNHCR, Interview, July 2018.

<sup>13</sup> See: <https://data2.unhcr.org/en/documents/download/64795>.

<sup>14</sup> UNHCR protection meeting minutes, 31. July 2018.

<sup>15</sup> RSA/ Lesvos team has followed up this case and requested her immediate transfer, July 2018.

<sup>16</sup> See footnote 8, RSA fact-finding mission on 27 – 28/ 8/ 2018 in Diavata site (Salinia Stroux) and on 30/8/2018 in Nea Kavala and Koutsochero sites (Salinia Stroux).

<sup>17</sup> RSA/PRO ASYL, Reception crisis in Greece, 13. August.2018, see: <http://rsaegean.org/reception-crisis-in-greece/> .

<sup>18</sup> See footnote 16.

During RSA's fact-finding mission in mainland campsites in August 2018,<sup>19</sup> researchers met with recognized single male refugees, whose accommodation in camps has been unofficially extended for a few months. Although they were allowed to stay in the camps and were receiving cash allowance (as asylum seekers), no further integration measures were taken for them. They did not have access to proper information and integrational support. None of the interviewees had access to work or to another type of accommodation facility such as a flat. Instead, they faced high security problems inside the overcrowding sites (such as large scaling conflicts between nationalities). They complained about their lack of prospects.<sup>20</sup>

Regarding the **existing shelters for homeless people in Athens**, which are supposed to give temporary shelter to returnees with international protection (for a few days to up to three months or, exceptionally, for more time), RSA would like to mention the following: On July 16<sup>th</sup> 2018 RSA was provided by the competent authorities of the Municipality of Athens with the list of 12 shelters of temporary accommodation, where homeless people could sleep in the Municipality of Athens or in neighboring Municipalities, such as Piraeus. RSA has contacted all of them and updated their availability.

Following conclusion can be withdrawn from the list of shelters:

- (1) The shelter of »KEELPNO« (the Greek center for disease prevention and control) is designated for people with HIV only.
- (2) The shelter for homeless of the Municipality of Piraeus [capacity: 35-40 adults] was full. It is designated for the residents of the Municipality of Piraeus only. Refugees and people with psychiatric issues were not accepted.<sup>21</sup>
- (3) The shelter of the »Red Cross«, which used to accommodate families [capacity: 80], has been suspended since May 2018 and is to be evacuated by August.<sup>22</sup>
- (4) The church shelter »Galini« in Athens accommodated 10 people and does not accept any other people, as the building was under renovation for an unknown period of time.<sup>23</sup>
- (5) Two dormitories, the shelter of »Doctors of the World« in Athens and UNESCO shelter in Piraeus, require residents not to stay in the shelter during daytime.
  - a. The dormitory of UNESCO [capacity: 65 people] was full and there was a waiting list of 20 to 30 people. The maximum stay is limited to one month. Families are not accepted. Among others, tax clearance certificates are needed. The shelter does not provide interpretation services. Refugees who cannot communicate in Greek or English are not accepted.<sup>24</sup>
  - b. The dormitory of »Doctors of the World« [capacity: 55 adults] was full and had a waiting list of 15 people. Shelter is provided for a maximum of 10 to 15 days. The dormitory is closed from 7.30 am to 7.30 pm. The shelter receives only those who can communicate in Greek or English. Families are excluded. Psychiatric cases are received under certain conditions only.<sup>25</sup>
- (6) The shelter »Fivi« [capacity: 8-10 women or mothers with children] was full with a waiting list of 8

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<sup>19</sup> RSA fact finding mission on 27 – 28/ 8 /2018 in Diavata site by Salinia Stroux and on 30/ 8/ 2018 in Nea Kavala and Koutsochero site by Salinia Stroux.

<sup>20</sup> Interviews with a recognized refugee from Congo, allegedly victim of torture in his country, living temporarily in Nea Kavala, dated 30/8/2018 and a recognized refugee from Iraq, allegedly victim of torture in his country, living temporarily in Koutsochero camp, dated 30/8/2018.

<sup>21</sup> Phone conversation with Ms Blachogiorgi dated 19/7/2018.

<sup>22</sup> Phone conversation of Chrisa Wilkens, RSA staff, with Red Cross, dated 18/7/2018.

<sup>23</sup> Phone conversation of Chrisa Wilkens, RSA staff, with Priest Ignatios, dated 23/7/2018.

<sup>24</sup> Phone conversation with Ms Triadafilli, dated 19/7/2018.

<sup>25</sup> Phone conversation of Chrisa Wilkens, RSA staff, with Ms Papageorgiou, dated 18/7/2018.

people. Medical tests and knowledge of a commonly used language (like Greek or English) are required. No psychiatric cases are accommodated.<sup>26</sup>

- (7) The shelter of the Archbishop [capacity: 10 people] was full. It accepts refugees only if they communicate in a commonly used language, interpretation services are not provided. Medical tests are required and psychiatric cases are not accepted.<sup>27</sup>
- (8) The maximum stay in »EKKA« shelter [capacity: 65 people] is three month. Families are accepted only exceptionally. Psychiatric cases are not accepted. It requires medical tests and knowledge of Greek or English.<sup>28</sup>
- (9) The »Solidarity shelter« [capacity: 100-150 people] for homeless men and women of the Municipality of Athens was accommodating 120 people and had already a waiting list of 10 people. Medical tests and tax clearance certificates are required for someone to be accommodated. People with psychiatric problems and families are excluded.<sup>29</sup>
- (10) The social shelter for adults in Vouliagmeni [capacity: 34 people] accommodated 32 adults and had a pending list of 4-5 people. The shelter accommodates families only exceptionally, medical tests are required. Interpretation services are not provided. People with mental health issues are not accepted. The shelter requests a recent tax clearance certificate.<sup>30</sup>

All the shelters had restricted capacities. At the time of our research they **were either full or had pending waiting lists of people to be accommodated**. In general, all the existing shelters do not provide interpretation services and do not accommodate people who cannot speak Greek or English. A lot of shelters require recent tax clearance certificates. Medical tests are prerequisite for accommodation in all the shelters.

*Regarding the situation for vulnerable Groups:*

Only the shelter of the »Red Cross« was designated to accommodate **families**, but it has suspended its operation since May 2018 and is to be evacuated by August 2018. Three other shelters (»National Centre for Social Solidarity« with a capacity of 65 people, Social Centre of Vouliagmeni, Shelter of the Archbishop) reportedly accommodate families by exception, but psychiatric cases are excluded.

Only one small shelter (»Fivi«) is designed for **women and mothers with children** who are either homeless or victims of domestic violence. Mothers with boys up to 9 years old are accommodated.

**Almost all of the shelters do not accommodate psychiatric cases.** Only the dormitory of »Doctors of the World« exceptionally accommodates psychiatric cases under certain conditions. Additionally, the church shelter »Galini« accommodates psychiatric cases under certain conditions. Due to the renovation for an unknown period of time no new cases are accepted.

RSA/ PRO ASYL conclude that in case of their return, beneficiaries of international protection (if they do not have private support) **will face a real risk of living in the streets**.<sup>31</sup> It is clear that the existing temporary shelters have restricted capacity and that there is no provision for homeless refugees who do not communicate in Greek or English. **During the period of our research, it would have been impossible for recognized refugees to be accommodated, even temporarily.**

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<sup>26</sup> Phone conversation with Ms Daniilidou dated 18/7/2018.

<sup>27</sup> Phone conversation Chrise Wilkens, RSA staff, with Ms Naselou dated 19/7/2018.

<sup>28</sup> Phone conversation Chrise Wilkens, RSA staff, with Ms Gianni dated 18/7/2018.

<sup>29</sup> Phone conversation Chrise Wilkens, RSA staff, with Ms Barbarigou dated 12/7/2018.

<sup>30</sup> Dated 18/7/2018.

<sup>31</sup> K. Kranou, RSA social worker, August 2018.

### 3. Food Provision

RSA has met recognized refugees in Attika region,<sup>32</sup> who complained about the **lack of accessing food**, as the **»soup kitchens«** in Athens area provide meals only once per day and distribute limited portions. On 6<sup>th</sup> of August 2018, the social worker of the Social Centre of the Municipality of Athens<sup>33</sup> has provided RSA with a list of five places, where meals are provided both in Municipality of Athens and in the Municipality of Piraeus. RSA has tried to contact all of them requesting information on their availability.

Meals are provided **for both Greeks and third party nationals** by the following organizations:

- *»Social solidarity center of Municipality of Athens«*: Once per day 700 portions.<sup>34</sup>
- *»Equal society«*: Once per day 200 portions. Residence papers and certificates of accommodation or homelessness are obligatory; English or Greek language skills are necessary.<sup>35</sup>
- *»Shelter for love and solidarity«*: Once per day 250 portions, Monday and Wednesday for refugees.<sup>36</sup>
- *»Helping hands«*: Everyday; no further information available.
- *»UNESCO«* in Piraeus Municipality: 150 portions; the knowledge of Greek, English or French is necessary.<sup>37</sup>

Additionally, in Athens limited portions of meals are also provided by solidarity kitchens, solidarity movements and local churches as well as by other NGOs such as *»Caritas«* (once per day 500 portions)<sup>38</sup> and *»Estia«* (40 portions, three days per week).<sup>39</sup>

### 4. Mental Health

**Limited access to and conditions of public mental health institutions in Greece »are of a particular problem«, as UNHCR highlights.<sup>40</sup> Beneficiaries of international protection with mental health problems face accommodation problems and a lack of appropriate mental health care.<sup>41</sup>**

On January 12<sup>th</sup> 2018 the Hellenic Federation of Hospital Workers criticized the staff shortages and incomplete security measures (such as lack of fire security) in mental health hospitals, resulting in deaths and injuries of patients. According to their press release, only one or maximum two nurses are assigned to an acute cases ward (30-40 patients) in public psychiatric hospitals per shift. The Federation spoke of patients with suicidal tendencies or suffering from dementia – who should be under continuous supervision – being restrained.<sup>42</sup>

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<sup>32</sup> Beneficiaries of international protection are returned to Greece to Eleftherios Venizelos airport cited in Attika region (Athens' airport). Therefore this report focuses on the situation in Athens, where the returnees end.

<sup>33</sup> Maria Barbarigou, social worker for KYADDA sent a written response by email to Chrisa Wilkens, RSA staff.

<sup>34</sup> See: <http://www.kyada-athens.gr/index.php/programmata/anoixto-kentro-sitis>.

<sup>35</sup> Phone conversation Chrisa Wilkens, RSA staff, dated 27/ 7/ 2018.

<sup>36</sup> Phone conversation Chrisa Wilkens, RSA staff, dated 7/ 8/ 2018.

<sup>37</sup> Phone conversation Chrisa Wilkens, RSA staff, dated 7/ 8/ 2018.

<sup>38</sup> Caritas, written response, dated 2/ 8/ 2018.

<sup>39</sup> See: <https://hestiahellas.org/food-distribution/>.

<sup>40</sup> See: <https://data2.unhcr.org/en/documents/download/64741>.

<sup>41</sup> K. Kranou, RSA's social worker, August 2018.

<sup>42</sup> See: <http://newpost.gr/ellada/648732/poedhn-sta-psyxiatrika-nosokomeia-briskoyn-katafygio-astegoi-kai-anergoi>.

Public institutions and hospitals as well as NGOs providing mental health care to refugees and migrants in Athens<sup>43</sup> (such as Babel and ESTIA) have waiting lists of several months. Even for urgent cases such as survivors of shipwrecks, who have lost their whole family, or victims of torture suffering from PTSD, the waiting time for the first appointment of the NGO Babel is 4 months.<sup>44</sup>

## **5. Access to employment**

The lack of accommodation impedes the registration with the Greek Inland Revenue (tax authority) and the opening of a bank account, which are prerequisites to access employment. Only in 2018 the Government Employment Agency OAED accepted the registration of those who live in camps or are homeless. But until today refugees face many problems, as either they cannot obtain tax clearances or they cannot obtain a certificate of homelessness (see above) or there is no competent authority to provide them with certificates of accommodation in a site.

**RSA has highlighted that the majority of the sites in the mainland lack competent managing authorities and therefore it is unclear, which authority is responsible for the issuance of certificates necessary for the registration with other institutions, as for the OAED.**

Currently, **no employment programs of OAED exist for beneficiaries of international protection.** Only those who used to work and lost their jobs are entitled to receive employment benefit for a limited period and under preconditions.<sup>45</sup>

Already in the legal note 2017 RSA/ PRO ASYL illustrated the lack of a national strategy or targeted measures helping refugees with employment or providing them with language skills or professional training and pointed out that it is extremely difficult for beneficiaries of international protection to find employment.<sup>46</sup>

## **6. Integration measures and NGO programs for the integration of beneficiaries of international protection**

**RSA/ PRO ASYL would like to mention that a concrete and functioning plan for the integration of refugees still does not exist,** except from one running pilot program for integration, »HELIOS«, restricted to 120 people in the area of Thiva and Livadia. **Greece still lacks a long-term integration policy regarding recognized refugees.**

So far, »the National Strategy on the Integration of Third Country Nationals« has only been partially implemented. **Measures and projects taken by the Ministry of Labor, Social Insurance and Social Solidarity for people living under poverty levels are not designated for persons who do not speak**

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<sup>43</sup> See footnote 6.

<sup>44</sup> See footnote 11.

<sup>45</sup> See also RSA/ PRO ASYL 2017, page 22.

<sup>46</sup> »However, in practice, unemployment rates are so high, and competition from workers who speak Greek is so intense, that it is extremely difficult for newly recognised refugees that do not speak the language to find employment. Additionally, refugees face obstacles in enrolling in vocational training programs as the majority of them cannot provide evidence (high school degrees, diplomas etc.) of their educational background, which is a prerequisite for participating.« See:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2017/614194/IPOL\\_STU\(2017\)614194\(ANN01\)\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/614194/IPOL_STU(2017)614194(ANN01)_EN.pdf)

**or understand Greek.<sup>47</sup>**

The Centre for integration of migrants of the Athens Municipality<sup>48</sup> employs only two social workers responsible for migrants, refugees and asylum seekers. They only provide services for accessing social benefits. Interpretation services are being provided in Farsi and Arabic language only and only for limited hours each day (Monday, Wednesday and Friday, 12am to 3pm and Tuesday and Friday, 10am to 3pm).<sup>49</sup>

**Under the current circumstances, it is clear that NGOs do not play an important role in the integration of recognized refugees.** For instance, in 2017 the NGO Greek Council for Refugees (GCR) used to run a UNHCR funded program called *»one stop-shop«* aiming to facilitate refugee integration. However, this program ended in March 2018. In addition, since June 2018 no GCR social worker is assigned specifically to work on the integration of beneficiaries. Currently, GCR only provides general legal counseling to beneficiaries via two lawyers every Tuesday (about 15 people each time).<sup>50</sup>

The GCRs intercultural center *»Pyxida«* offers Greek language lessons, but it is open for a restricted number of people only. It targets asylum seekers, beneficiaries as well as people *»sans papiers«*. Its operations rely basically on volunteers. In 2017, Pyxida provided Greek lessons for beginners to 377 women and men and advanced lesson to 158 women and men.<sup>51</sup>

The NGO *»Solidarity now«* runs a UNICEF based integration program focusing on children, families and women in need only (*»Comprehensive service provision for the integration and well-being of refugee children and families«*). The program is not exclusively for beneficiaries of international protection and it ends on December 31<sup>st</sup> 2018.<sup>52</sup>

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<sup>47</sup> Ministry of Labor, Social Insurance and Social Solidarity, Office for combating poverty in a written response to question sent by RSA, 26/7/2018.

<sup>48</sup> Beneficiaries of international protection are returned to Greece to Eleftherios Venizelos airport cited in Attika region (Athens' airport). Therefore this report focuses on the situation in Athens, where the returnees end.

<sup>49</sup> See: <http://www.socialattica.gr/eidi-domis/kem>; Information confirmed on 31/8/2018 in a telephone conversation by Marianna Tzeferakou/ RSA.

<sup>50</sup> Eleni Kagiou, GCR lawyer, August 2018, telephone conversation with Chrisa Wilkens/RSA.

<sup>51</sup> See: [https://www.gcr.gr/media/k2/attachments/GCR\\_Report\\_2017.pdf](https://www.gcr.gr/media/k2/attachments/GCR_Report_2017.pdf).

<sup>52</sup> Ora Oikonomou, project manager of *»Solidarity Now«*, written response to RSA27/8/2018.

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