

BIMONTHLY UPDATE

GREECE:

Children on the move



NOVEMBER - DECEMBER 2021

AT A GLANCE

- Allegations came to light that a Frontex employee was detained and abused by the Greek authorities in September before being illegally sent to Turkey together with other third-country nationals. The Greek government, which has generally denied all allegations of pushbacks, has stated that the National Transparency Authority to carry out an investigation, despite its limited independence from government and lack of expertise and mandate to conduct such investigations.
- Two new “Closed Controlled Access Centers” were opened on the islands of Leros and Kos on 27 November 2021 in the presence of the Vice-President of the European Commission, Margaritis Schinas
- Since the last update, there has been a significant decrease in the number of individuals in Reception and Identification Centres on both the mainland and islands of Greece, from over 15,000 to just over 11,000. This could be a result of halts in food and cash assistance, the detention-like conditions in the RiCs and onward movement to other countries
- The voluntary EU relocation scheme that has been in place since 2020 is now further extended until March 2022, in order to meet the total number of pledges by Member States. A total of 1,093 unaccompanied and separated children - of the 1,600 target - have been relocated since 2020. In addition, 3,453 members of vulnerable families with children, beneficiaries and applicants of international protection have been relocated since 2020, mostly to Germany and France.
- Approximately 34,000 asylum seekers still do not have access cash assistance that had previously enabled them to buy food, clothing and other essential items. Although the government publicly stated that by the end of October the issue would be resolved, it was only on the 2 November that a new public tender was announced by the government, indicating that there will be no immediate solution to this problem.
- The Asylum Service Director instructed all its employees to no longer register new asylum claims in mainland Greece, as part of an emerging policy of managing migration mainly at the borders. Instead, persons who have not gone through Reception and Identification Service (RIS) procedures, if they wish to apply for asylum in Greece, should go to Evros or the Eastern Aegean islands
- The Greek Government approved a national strategy on the integration of recognised refugees and asylum seekers. The 20-page document contains targets, objectives and actions that outline a framework for integration. However, it does not include specific funding or a timeframe for implementation, nor is the strategy legally binding.

1. OVERVIEW

As of 31 October 2021, Greece is hosting approximately 37,951 asylum seekers with 89% of them living on the mainland and 11% on the islands.¹

Total land and sea arrivals since the beginning of 2021 amount to 8,145 people². However, according to Frontex – the EU border control and coastguard agency - 15,770 border crossings were detected until October 2021 in the Eastern Aegean, a significantly higher number than registered arrivals.³

It was separately reported that approximately 150-200 people daily attempt to cross Greece's maritime border.⁴ A similar estimate was made by the Police Directorate of Orestiada of the numbers of people who attempt entry in Evros⁵. The small number of migrants who manage to cross are arrested immediately, according to the police, and comprise mainly Syrians and Afghan families.

Humanitarian situation

EU-funded cash assistance still not provided, leaving thousands in despair

Approximately 34,000 asylum seekers still do not have access to cash assistance that had previously enabled them to buy food, clothing, and other essential items⁶. Although the government publicly stated that by the end of October the issue would be resolved,⁷ it was only on 2 November that a new public tender was announced by MoMA, calling interested parties to take over the management of cash assistance distribution⁸, which means that there will be no immediate solution to this problem.

Access to COVID-19 Vaccines

After a year that vaccines have been made available in the country, third-country nationals can now acquire a Temporary Social Security Number (temporary "AMKA") in order to get vaccinated against COVID-19, regardless of their legal status.⁹ The decision is positive, although concerns are still being raised by health organisations that many people do not possess the identification documents required.¹⁰

1 Ministry of Migration and Asylum (MoMA), Statistical data regarding October 2021, published on 16 November 2021, available at <https://bit.ly/3EKR3Tk> in Greek and at <https://bit.ly/3ITcBFT> in English - same data are presented in more detailed tables in Greek at: <https://bit.ly/3rSXoIJ>

2 Sea arrivals are higher than the last reporting period, as 4,492 people arrived by land and 3,653 arrived by sea, UNHCR Operational portal, *Mediterranean Situation*, information updated up to 28 November 2021, available at: <https://bit.ly/3jgMsQk>

3 SchengenVisaInfo News, *FRONTEX: Nearly 160,000 Illegal Border Crossing Detected at EU External Borders in 2021*, 23 November 2021, available at: <https://bit.ly/3ye1iiNO>. According to MoMA's official data, arrivals till the end of October amount to just 7,242, see <https://bit.ly/3mcaT2C>, also Tania Georgiopolou, Ekathimerini, *Migrant flows to Europe up, but Aegean sees drop*, 24 November 2021, available at: <https://bit.ly/3EFGqkU>

4 Dimitris Giannakopoulos, Parapolitika, *The Battle of the Coast Guard in the Aegean* 12 November 2021, available at: <https://bit.ly/336uTNq> (in Greek)

5 Newsbomb, *Pressure in managing immigrants in Evros: "We prevent 200 migrants every day"*, 23 November 2021, available at: <https://bit.ly/3rV6zss> (in Greek)

6 See Press Release, *NGOs raise alarm at growing hunger amongst refugees and asylum seekers in Greece*, 25 November 2021, available at: <https://bit.ly/3dGMxcx>

7 MoMA's Press Release, *All asylum seekers are eligible to feeding programmes in the camps since the 1st of October and they will also be granted financial aid at the end of the month*, 18 October 2021, available at: <https://bit.ly/3IDFq3c>

8 Public Tender available in Greek at: <https://bit.ly/3ILxXiD> with a deadline for submission until 30 November 2021

9 Joint Ministerial Decision no 5160, Official Government Gazette (OGG) 5247/12-11-2021, issue B

10 Identification documents issued by their country of origin are required, see INTERSOS Director interview to Eleni Stamatoukou, *EFSyn, Both invisible and unvaccinated!*, 18 November 2021, available at: <https://bit.ly/30eZXCy> (in Greek)

Population in Reception and Identification Centres drops

As of 2 December 2021, the number of residents in Reception and Identification Centres (RICs) managed by the Hellenic Armed Forces both in mainland and the islands are 11,044.¹¹ This is a significant decrease in last months, likely a combination of the lack of food support, detention like conditions in the centres and onward movement to other countries. Kato Milia RIC was recently evacuated.¹²

As of October 2021, the 26 mainland long-term accommodation sites, host 17,872 people, 40% (7,073) of whom are children¹³. New Malakasa site was evacuated in mid-November with people transferred to other in mainland sites/camps and some to ESTIA apartments.¹⁴ Elaionas camp in Attika will be shut down, according to the municipality of Athens.¹⁵ The news gave rise to demonstrations by asylum seekers residing there, as the living conditions are already poor.¹⁶

Separately, as of 30 November 2021, around 14,435 asylum seekers and refugees are hosted under the ESTIA urban accommodation scheme in apartments, almost half of whom are children (44%)¹⁷. The majority of ESTIA beneficiaries are Afghans (33%), followed by Syrians (16%) and Iraqis (14%)¹⁸.

On the Aegean Islands

MoMA's head provided a briefing towards the relevant Standing Committee of the Parliament on contracts related to the works for the National Reception System, stating that the budget for Lesvos and Chios Centers amounts to €153,198,131.70 and is funded at 100% by AMIF¹⁹.

The new Closed Controlled Access Centers in Leros and Kos were inaugurated on 27 November 2021 by MoMA's head in the presence of the Vice-President of the European Commission, Commissioner for the Promotion of the European Lifestyle, Margaritis Schinas.²⁰ In Leros, the Center is built in an area of approximately 60 acres, at the Lepida location and has a capacity of 2,140 residents: 1,440 places for the general population, 100 for unaccompanied minors, 240 for persons belonging in vulnerable groups, single parent families, women and 360 in the Pre-removal Detention Center.²¹

As of the first week of December 2021, official statistics regarding the refugee and migrant population residing in the Eastern Aegean islands read as follows²²:

11 Hellenic National Defence General, 3 December 2021. Data available at: <https://bit.ly/3ELEpU7> (in Greek)

12 *ibid.*

13 IOM, *Supporting the Greek Authorities in Managing the National Reception System for Asylum Seekers and Vulnerable Migrants (SMS)*, Factsheet, October 2021, available at: <https://bit.ly/3oFq0TZ>

14 Information shared within the Protection Working Group, 15 November 2021

15 Skai News, 27 October 2021, available at: <https://bit.ly/30dMrGj> (in Greek)

16 Protests were centered mainly around food, asylum procedures, lack of health care, see Nikos Christofakis, Zougla, *Mobilization of refugees in Eleonas*, 4 November 2021, available at: <https://bit.ly/3GmZchn> (in Greek) and Law and Order, *Refugees protest in Eleonas for food and hygiene conditions*, 4 November 2021, available at: <https://bit.ly/3lAPrnX> (in Greek)

17 ESTIA II MoMA Factsheet September - November 2021, published 6 December 2021, available at: <https://bit.ly/3rV3SXS>. According to the same source, 2,451 of these PoCs, are recognized refugees

18 *ibid.*

19 MoMA's Press Release, *N. Mitarachi: The new structures will contribute decisively to the protection of our islands, so that we do not relive the events of the SYRIZA government*, 22 November 2021, available at: <https://bit.ly/307RsAq> (in Greek). In the same, it is stated that the Center in Lesvos will be in "Plati" site, 30km away from Mytilene and will have a capacity of 3,000 people, whereas in Chios the Center will be built in "Tholos" area, 11km away from Chios city, with a capacity of 1,230 people.

20 Capital, *N. Mitarachi: Inaugurated the new closed controlled Structures in Leros and Kos*, 27 November 2021, available at: <https://bit.ly/3oHxQft> (in Greek)

21 MoMA's announcement, *New Closed Controlled Access Center of Leros*, 27 November 2021, where someone can also watch the relevant video of the Center, available at: <https://bit.ly/3ycnoQG>

22 National Situational Picture Regarding the Islands at Eastern Aegean Sea, 8 December 2021, available at: <https://www.scribd.com/document/545773353/NSP-Eastern-Aegean-08-12>

| | Lesvos | Chios | Samos | Leros | Kos |
|------------------------------------------------|--------------------|------------------|------------------|---------------|----------------|
| Occupancy RIC or CCAC ²³ / Capacity | 2,210/8,000 | 264/1,014 | 430/2,040 | 47/860 | 540/816 |
| Total refugee/migrant population on the island | 2,352 | 276 | 446 | 47 | 631 |

Samos

Since mid-November, the Closed Controlled Access Center management in Samos has prevented the exit of asylum seekers that have received a negative decision at second instance, without giving them the opportunity to file a new, a subsequent, application with additional information, a situation that amounts to de facto detention.²⁴ This administrative action is performed without any detention document being served, hindering their access to judicial protection.²⁵

Kos

In Kos, the CCAC is built in an area of approximately 90 acres, at the location of the former camp “Makrigiannis”. It has a capacity of 2,140 residents, as well: 960 places for the general population, 100 for unaccompanied minors, 480 for the vulnerable groups.²⁶ There are 600 places for those to be detained in the Pre-removal Detention Center.

In Kos, detention of every international protection seeker is standard practice, even for the vulnerable people and children (unaccompanied or not),²⁷ reflecting a broader issue of detention across Greece, especially for children that are members of families.²⁸

On a positive note, many of the asylum cases of the 382 people that docked in Kos on 31 October²⁹, after being left at sea for days, have been deemed admissible by Greek Asylum Service on the grounds that a) in this case Turkey is directly violating the Joint EU-Turkey Declaration and is not cooperating with neighboring countries and the EU and b) Turkey is not a safe third country for applicants to return to.³⁰

23 Standing for Closed Controlled Access Center, now operating only in Samos

24 Amnesty International, *Asylum seekers being illegally detained in new eu-funded camp in Greece*, 1 December 2021, available at: <https://bit.ly/3DFh9Wx>

25 Thanos Kamilaris, The Press Project, *About 100 refugees "have been to Samos". Now they can not get out of the Center - prison at all*, 2 December 2021, available at: <https://bit.ly/3EKKZue> (in Greek). For the prison – like facility, see GCR’s Position paper, *The New Closed Controlled Structure of Samos: An Isolated "Modern Prison"?*, 18 November 2021, available at: <https://bit.ly/3rSxyok> (in Greek)

26 MoMA’s announcement, *New Closed Controlled Access Center of Kos*, 27 November 2021, where someone can also watch the relevant video of the Center, available at: <https://bit.ly/3pl33Pb>

27 See Equal Rights Beyond Borders Expert Report, *Detained and Forgotten at the Gates of the EU. Detention of Migrants on the Island of Kos*, November 2021, available at: <https://bit.ly/3EpCynQ> p. 5

28 See Joint Briefing Paper by Greek Council for Refugees and Oxfam International, *Detention as the Default: How Greece, with the support of the EU, is generalizing administrative detention of migrants*, 22 November 2021, available at: <https://bit.ly/3ygYDCP>

29 See previous GCR/SCR update [https://www.gcr.gr/media/k2/attachments/GCR_SCI_GREECE - Children on the Move Sept Oct 2021.pdf](https://www.gcr.gr/media/k2/attachments/GCR_SCI_GREECE_-_Children_on_the_Move_Sept_Oct_2021.pdf)

30 Information provided by GCR field lawyers in Kos

2. KEY DEVELOPMENTS

Pushbacks at Greece's borders still on the agenda

On 1 December the New York Times reported that a Frontex employee was detained and abused by the Greek authorities in September before being illegally sent to Turkey together with other third-country nationals³¹. According to Regulation 2019/1896, the complaint filed in front of Frontex Complaint Mechanism by its employee is going to be investigated by the Greek Ombudsman, which has announced that it has already launched its investigation on the case.³² The Greek government has generally denied all allegations of pushbacks but stressed that there will be investigation of this incident.³³ However, the government has shown preference for the National Transparency Authority to carry the investigation out, despite its limited independence from government and lack of expertise and mandate to conduct such investigations.³⁴

Asylum claims in Greece to be registered only at its borders from now on?

A Circular of 22 November from the Asylum Service Director instructed all its employees not to register new asylum claims on the mainland anymore, as part of an emerging policy of managing migration mainly at the borders. Instead persons who have not gone through Reception and Identification Service (RIS) procedures, if they wish to apply for asylum in Greece, should go to Evros or the Eastern Aegean islands³⁵, escorted by the Police or Coast Guard.³⁶ After the reactions of the local population in these areas³⁷, the Circular was re-issued 2 days later stipulating that asylum applications are submitted at designated points at the borders or to competent pre-designated first reception services in the mainland.³⁸ Importantly, unaccompanied and separated children are excluded from this provision in both the Circulars.

Following a rejection of MoMA's request to the EU Commissioner Johansson to include the 35km extension of the border fence in Evros³⁹ in the funding of the 2021-2027 budget⁴⁰ and the discussion this created within the EU bodies,⁴¹ the government announced that this will be done anyway, using national funds.⁴²

31 Matina Stevis-Gridneff, The New York Times, *E.U. Interpreter Says Greece Expelled Him to Turkey in Migrant Roundup*, 1 December 2021, available at: <https://nyti.ms/3rxgmon>

32 Greek Ombudsman, Press Release, 1 December 2021, Available at: <https://bit.ly/3lvX7Yo>

33 See Interview of MoMA's head, Noti Mitarachi regarding these allegations on the CNN show "Connect the World" with Becky Anderson, 5 November 2021, available at: <https://bit.ly/3dytstj>

34 AMA Press, *Greece's transparency authority should investigate alleged refugee pushbacks*, *Migration min. says*, 27 October 2021, available at: <https://bit.ly/3lGdFNk>

35 According to the Asylum Service's guidelines, new applications could only be submitted at the RICs of Samos, Chios, Lesbos, Leros, Kos, and Orestiada

36 Dimitris Angelides, Efsyn, *Only in islands and Evros the new asylum applications*, 24 November 2021, available at: <https://bit.ly/3rJgTU4> (in Greek)

37 Among others see Chios News, *Asylum Application Procedure – New Circular issued by the Ministry after the reactions noted*, 24 November 2021, available at: <https://bit.ly/3DGJ7RE> (in Greek)

38 MoMA's Press Release, *Asylum Application Procedure*, 24 November 2021, available at: <https://migration.gov.gr/en/diakikasia-ypovolis-aitimaton-asyloy/> (in Greek)

39 There has been a 12.5 km fence since 2011, while the construction of a new stretch of fencing of 27.5 km was completed recently, so today the existing fencing is of 40km long, see I-efimerida Newspaper, *How the fence is being built in Evros 27 km long*, 13 April 2021, available at: <https://bit.ly/31Dua5X>

40 Ethnos Newspaper, *Evros: Greece is ready to expand the fence even with national funds*, 4 November 2021, available at: <https://bit.ly/3dxhvw0> (in Greek)

41 Kathimerini Newspaper, *E.U. - Migration: Commission responds to Michel regarding the fences*, 10 November 2021, available at: <https://bit.ly/3luUSOG> (in Greek)

42 AMA Press, *N. Mitarachi: The extension of the fence of Evros "will be done with national funds"*, 10 November 2021, available at: <https://bit.ly/3Dx1kkD>

Criminal case against children seeking asylum

GCR field lawyers in Thessaloniki represented a 7-membered Syrian family that had entered Greece seeking international protection and who were prosecuted with the charge of illegal entry, including the three children of the family aged 12, 13 and 15.⁴³ More than a year after they were charged, a period in which they were subject to significant stress and insecurity, the Court of Minors in Larissa dismissed the case against the three children.

Cubans seeking international protection in the EU

An increased number of Cubans are arriving in Greece to seek safety in the EU. Their final destinations are reported to be Spain⁴⁴ and Italy⁴⁵ mostly flying to Eastern Europe or Moscow, then travel to Belgrade and are reaching Greece by walking through Serbia and North Macedonia.⁴⁶ Incidents of police brutality against arrivals from Cuba have been reported in Zakynthos airport, including against pregnant women and children.⁴⁷

Government adopts a National Strategy for Integration

At the end of November Greece's Prime Minister and the Ministerial Council approved a National Strategy on the integration of recognised refugees and asylum seekers.⁴⁸ The 20-page document⁴⁹ contains targets, objectives and actions that outline a framework for integration. However, it does not include action points to be completed under specific funding in a specific timeframe nor are they legally binding.

The Strategy is focused on creating jobs in critical sectors of the Greek economy and giving priority to the creation of integration structures within accommodation centres. Priority is going to be the "pre-integration" of "asylum seekers with a refugee profile"⁵⁰, providing education and vocational training. The HELIOS integration programme will continue, while a HELIOS Junior programme for unaccompanied children coming of age will also be created.⁵¹

MoMA also signed an agreement with UNHCR, which will provide technical support to the Government to simplify administrative and legal provisions concerning the integration of refugees and facilitate cooperation with Municipalities. It will continuously profile and share the skills and expertise of refugees to help maximize their chances and their contribution to the Greek society⁵² and will measure the progress of integration over time through baseline data.⁵³

43 Information provided by GCR's field lawyer in Thessaloniki, the prosecution of the children initiated in November 2020 and the court was held on 8 December 2021

44 See AlJazeera English, *Greece: Transit point for migrants and refugees from Cuba*, video published on 10 November 2021, available at: <https://www.youtube.com/watch?v=OSVdXv-tuXU>

45 Andreas Papadimitriou, Ert News, *Dozens of Cuban immigrants tried to go to Milan via Zakynthos*, 28 October 2021, available at: <https://bit.ly/3GuFpfV> (in Greek)

46 The Global Herald, *Greece: Transit point for migrants and refugees from Cuba*, 10 November 2021, available at: <https://bit.ly/3ISxVeX>

47 Keep Talking Greece, *Brutality against Cuban migrants, children & pregnant women at Zakynthos airport*, 29 October 2021, available at: <https://bit.ly/3IGdPy4>

48 Naftemboriki, *The bills presented to the ministerial council*, 30 November 2021, available at: <https://bit.ly/3IW535g> (in Greek)

49 Available in Greek at: <https://bit.ly/3IGEM4I>

50 *ibid.* p. 2

51 M. Kouzinopoulou, AMA Press, *S.Voultepsi :The creation of integration structures within the accommodation centers is a priority of the National Strategy for the Integration of Refugees*, 4 December 2021, available at: <https://bit.ly/3IPYGdV> (in Greek)

52 UNHCR Press Release, *Ministry for Migration and Asylum and UNHCR sign Memorandum of Understanding to strengthen cooperation on integration for refugees in Greece*, 29 October 2021, available at: <https://bit.ly/3ryNqVr>

53 Information shared within the Protection Working Group, 15 November 2021

Challenges remain for refugees to access to legal documents

The online residence card renewal for all third country nationals announced on 16 November 2021 is a positive ministerial initiative.⁵⁴ Previously, beneficiaries of international protection faced excessive waiting time for the renewal of their residence permits - up to a year - which has caused difficulties in retaining their job and access social support benefits.⁵⁵

The new system, although generally welcomed, is facing some issues. First, renewal can be done exclusively online, hindering access for those with no or low computer literacy skills. In addition, the system is in Greek only, although it is addressed exclusively to non-Greeks, and refugees must chose from 178 categories of residency permit making the system confusing and complicated.⁵⁶

Limited access to citizenship for refugees

Refugees now must lawfully reside in Greece for seven years before they can claim citizenship, under amendments to legislation in March 2020 which extended this from three years.⁵⁷ In addition, this year a new system was introduced, requiring to pass tests on the Greek language, history, geography, political institutions, and culture⁵⁸, as well as interviews. In addition, for the first time, the application will be evaluated against economic criteria⁵⁹, which are supposed to measure the economic and social integration of the applicant and the fact that s/he “is not burdening the social welfare system”.⁶⁰

Although the law foresees a maximum duration of 12 months for the process to obtain citizenship,⁶¹ in reality the procedure can take more than 6 to 7 years in Athens, including for children.⁶² GCR is aware of one case pending for more than 5 years already, even though it concerns a child born to a Greek parent.⁶³ According to Generation 2.0 NGO, “exceptional”, honorary naturalisations seem to be prioritised instead of expediting and improving the regular procedure,⁶⁴ leaving a long waiting list. At the same time, criminal networks allegedly constituted by members of the Greek Police are providing fake Greek IDs to third country nationals in exchange for a fee.⁶⁵

54 MoMA's Press Release, 12 November 2021, available at: <https://bit.ly/3dusiit>

55 Information provided by GCR field lawyers in Thessaloniki

56 Real.gr, *Generation 2.0 detects errors and omissions in the online platform for renewal of residence permits*, 1 December 2021, available at: <https://bit.ly/3plcuhl> (in Greek)

57 Article 5 par. 1 (d) of Code of Citizenship L. 3284/2004, as amended by L. 4674/2020

58 See GCR's Online event in June 2021, after the first tests were held, "Naturalization Stories: An Adventure for the Few", available at: <https://bit.ly/3y6Kng0> (in Greek)

59 an annual income of at least 7,800 euros, See Generation 2.0 NGO post, *Is naturalization finally abolished?*, 27 April 2021, available at: <https://g2red.org/is-naturalization-finally-abolished/>

60 Art.1, section A, par.1 of Ministerial Decision 29845/22-04-2021, available at: <https://bit.ly/3pwuKdN> (in Greek)

61 Art.31 of Code of Citizenship L. 3284/2004

62 As Generation 2.0 reports, *ibid.*

63 Information provided by GCR field lawyer in Thessaloniki. A case that also the Ombudsperson for Children's Rights has interfered for. Nonetheless, the Ministry of Interior claims that the main reason for the delay is the lack of personnel to process the applications promptly

64 See Generation 2.0 letter to the President of the Hellenic Republic, 4 November 2021, available in the Press Project at: <https://bit.ly/3losOg3> (in Greek)

65 Among others see E-Kathimerini, *At least 30 police officers implicated in citizenship racket*, 1 December 2021, available at: <https://bit.ly/31PQF7J>

Update on Relocation

The voluntary EU relocation scheme that has been in place since 2020 is now further extended until March 2022, as an attempt to meet the total number of pledges by Member States.⁶⁶ In the most recent statistics published by International Organization for Migration (IOM)⁶⁷ a total of 1,093 UASC - of the 1,600 target - have been relocated since 2020. Amongst those relocated 93% were boys and 7% girls, with Germany and France the Member States welcoming most of these children, followed by Portugal and Finland.⁶⁸ Also, as part of the Voluntary Scheme for Relocation 3,453 members of vulnerable families with children, beneficiaries and applicants of international protection have been relocated since 2020, mostly to Germany and France.⁶⁹ The majority of those relocated are of Afghan origin (56%), followed by Syrians (24%)⁷⁰.

LIBE visit in Greece

In early November a delegation of Members of the European Parliament, participating in the Committee on Civil Liberties, Justice and Home Affairs (LIBE), visited Athens and Samos and met with various governmental and non-governmental actors.⁷¹ The delegation concluded the visit recalling that “All member states, including Greece, have to respect fundamental rights.”⁷² One of the delegates, MEP Ernst, was able to access Cape Praso, a militarised area where some NGOs have reported allegations of pushbacks from national police. The MEP declared that “It was the first time I saw policemen without insignia and names, with their faces covered”⁷³

66 Information provided by UNHCR at the Child Protection Working Group of Athens on 05 November 2021

67 IOM, Voluntary Scheme for the relocation from Greece to other EU countries, 02 December 2021, available at: https://greece.iom.int/sites/greece/files/211202_0.jpg

68 Ibid.

69 Ibid.

70 Ibid.

71 Joint NGO Briefing on the situation in Greece, 27 October 2021, available at: <https://bit.ly/3lqDn2g>

72 <https://www.europarl.europa.eu/news/en/press-room/20211104IPR16613/civil-liberties-committee-delegation-concludes-mission-to-greece>

73 Dimitris Angelides, Efimerida ton Syntakton, *A member of the LIBE delegation witnessing pushbacks?*, 5 November 2021, available at: <https://bit.ly/3y6Qktm> (in Greek)

CASE STUDY

I am almost 15 years old and I go to the 1st grade of Senior High School. I was born and raised in Greece and I have gone to school here all my life, from kindergarten until today. All my friends from school and the neighborhood are in Greece. Dad is from Nigeria and mom is from Ethiopia, but I've never set foot in these countries.

Going to school is a pleasure, I love being with my friends. Actually, now, that I've grown up and have built my self-esteem is a pleasure, it was not so in the past. When I was in elementary school, oh, it was not a place I would like to be - there were a lot of bullying incidents against me because I was from elsewhere and I had a different skin color, it was not good. But then I grew up and built my confidence and now it does not bother me even if they tell me something. Sometimes even today, when I get on buses I hear some racist comments.

I've never known another country but Greece and I think that if I had the Greek citizenship I would have more rights; I could go to different places more easily or do things more easily. For example, my school organized a trip abroad, to Switzerland, and I was ready to go, too, until we realized that I cannot go with them because I have no ID nor a passport. Also, many times I have to miss out from school because I need to be with my parents in various public services in order to issue or renew papers or because they ask for something more. Sometimes it can take from early in the morning till the afternoon, it's too much trouble.

I have finished compulsory education, High School, I was born here, my parents are legally here for many years. But still, last time we went to the Prefecture they told me that I cannot proceed with this paperwork, that I do not have the right to citizenship.



In the future, I think I will manage to get enrolled to the University I want, in the school of my dreams... I want to become an interior designer! And I want to study, to travel and to go to Italy to start my life there!

*** Eirini, 15 years old, of Nigerian-Ethiopian origin living with her family in Thessaloniki**

3. UNACCOMPANIED AND SEPARATED CHILDREN

As of 30 November 2021, 2,279 unaccompanied and separated children are estimated to be in Greece of which almost 92% are boys, 8% are girls and 7% of children are below the age of 14 years old. The top nationality of the UASC in Greece is Afghanistan (28%), followed by Pakistan (24%) and Syria (11%), while 37% of the children come from other countries⁷⁴.

Accommodation facilities for unaccompanied and separated children⁷⁵:

| # of UASC in long-term accommodation (Shelter/SIL) | # of UASC in Relocation Hubs | # of UASC in "Safe Zones" | # of UASC in RICs | # of UASC in Open temporary accommodation facilities (camps) | # of UASC in protective custody/detention |
|----------------------------------------------------|------------------------------|---------------------------|-------------------|--------------------------------------------------------------|-------------------------------------------|
| 1,887 (1,578 in Shelter / 309 in SIL) | 92 | 0 | 268 | 32 | 11 |

As was noted in our last issue⁷⁶, there are no children shown in protective custody in EKKa statistics, although it remains unclear if this is because they are no longer included as a category. GCR has identified at least eleven children in detention in Athens and Thessaloniki.⁷⁷

Greece has 2,213 long-term accommodation places for UASC and the target is to reach 2,500 by the end of the year. The practice of temporary accommodation in hotels has been terminated and same will apply to safe zones by the end of 2021, with all UASC gradually transferred to hostels and semi-independent living apartments.⁷⁸

According to a report issued by the International Rescue Committee (IRC), supported independent living (SIL) options for children over 16 years old -that are the majority of UASC in Greece- can help them realise their full potential, if serious shortcomings related to the asylum procedure, guardianship, access to health care and education are addressed, and long-term, sustainable funding for SILs is secured.⁷⁹ According to the same report, in the last 5 years, more than 37,000 UASC have been officially registered in Greece, with 2,118 of them missing.⁸⁰

74 EKKa Situation update: Unaccompanied Children in Greece, as of 30 November 2021 available at <https://bit.ly/3yf0Ka6>

75 based on EKKa statistic-s, ibid.

76 See GCR/SCI September – October Advocacy Brief for children on the move, available at: <https://bit.ly/3y21srk>

77 Information provided to GCR by its field lawyers handling detention cases in Athens and Thessaloniki, concerning the situation on 2 December 2021: in Amygdaleza 10 UASCs were spotted and in Thessaloniki area 1 UASC.

78 Evi Saltou, Ta Nea, *The unaccompanied refugee children are under protection*, 15 November 2021, available at: <https://bit.ly/3pDTCAv> (in Greek). The parliamentary question of 4 November 2021 is available in Greek at: <https://bit.ly/31ZKsGC>

79 IRC, *A chance for a better future: Supported independent living and the protection of unaccompanied children in Greece*, 15 November 2021, available at: <https://bit.ly/3dBdjTV>

80 ibid., p.3

Updates on the National Tracing and Protection Mechanism

Since the National Tracing and Protection Mechanism commenced its operation until October 2021, the help-line received 1,460 calls concerning 1,154 different cases of unaccompanied children, of which 1,122 were requests for shelter, 24 for legal assistance and 8 for other issues. In the same time period, 1,039 children were identified from the extensive operation to trace unaccompanied children who had been considered homeless for years.⁸¹ The majority of identified UASC have crossed into Greece from Evros land border and were unregistered.⁸²

The emergency accommodation for UASC in Vagiochori and Schisto have been shut down. As an interim solution children are being placed in a temporarily allocated building in Elefsina (Attika) of 50 places and in Doliana (Epirus).⁸³ The creation of 200 new emergency accommodation places for unaccompanied minors will be made available, with funding from the Danish government, as part of the National Emergency Response Mechanism for UASC.⁸⁴

National Strategy on unaccompanied and separated children

A National Strategy on unaccompanied children is being developed by MoMA⁸⁵ that is going to cover a period of at least five years. The aim of the strategy ensure the provision of comprehensive protection, the promotion of the rights of children, the prevention and protection all forms of violence, exploitation and abuse and modernising the data collection and processing system for UASC and their accommodation.⁸⁶ However, this policy text has not yet put in public consultation nor are there any Action Plans for its implementation published.

Memorandum between UNCHR and the Greek Ministry of Labor and Social Issues on foster care

The gradual integration of unaccompanied children into the National Foster Care System, with priority given to children aged 0-12 years lies in the heart of this Memorandum of Cooperation that includes awareness-raising activities for the promotion of this form of alternative care, capacity building for professionals and interpretation and legal support after the children's placement in foster families.⁸⁷

Unaccompanied children still without guardians

As law 4554/2018 establishing a regulatory framework for a guardianship system for unaccompanied minors in Greece is not yet operational, UASCs are still deprived of access to an effective guardianship system. Since 24 August, most UASC in Greece have no access to such services at all, not even those that had previously been temporarily provided by publicly appointed NGOs⁸⁸, the only exception being the provision of the

81 see *ibid.*, footnote 106 and Agapidaki's interview to Dimitra Grous of AthensVoice, *Irini Agapidaki: Truths and Lies about Unaccompanied Minors*, 24 November 2021, available at: <https://bit.ly/3dAm5kZ> (in Greek)

82 Information shared in the Homeless Taskforce Working Group, 30 November 2021

83 *ibid.*

84 AMA Press, *Two hundred new emergency accommodation places for unaccompanied children*, 8 December 2021, available in Greek at: <https://bit.ly/3dDpzDt>

85 See footnote 65

86 Makedonia, Cabinet meeting - What was decided, which bills were approved, 30 November 2021, available in Greek at: <https://bit.ly/3GwJNLp>

87 AMA Press, *Unaccompanied refugee minors eligible for adoption under agreement signed with UNHCR*, 23 November 2021, available at: <https://bit.ly/3lzA5d3>

88 See for example, METAdrasi NGO, *Thousands of unaccompanied children left without representation*, 15 September 2021, available at: <https://bit.ly/3G59wuR>. Also see, Propaganda press, *The seven-year odyssey of the framework of representation of unaccompanied children*, 27 September 2021, available at <https://bit.ly/3FQgaEG>, and Tvxs press, *Minor refugees in Greece without a Guardian, even though relative funds have been collected*, 27 August 2021, available at: <https://bit.ly/3p2gvwY>, in the same, *The guardianship of Unaccompanied Refugees Children is transferred to Agapidaki: Consequences and the Background*, 10 September 2021, available at: <https://bit.ly/32ypwXb>, Makedonia press, *Thousands of refugee children between "hammer and anvil" in Greece*, 27 September 2021, available at: <https://bit.ly/3DSYsQd> (all in Greek)

temporary guardianship of the local Public prosecutor⁸⁹ that leaves no space for actual care, representation and support⁹⁰. This reflects the chronic lack of sustainable planning of the guardianship system for children on the move in Greece, directly affecting children's access to and enjoyment of their basic rights, such as access to a fair asylum procedure⁹¹, age assessments, family reunification procedures, appropriate health care, education and more.

The competent authority for guardianship is now the SSPUAM⁹², to whom GCR addressed a letter of inquiry regarding the steps planned to fill in this protection gap. SSPUAM answered that it is in the process of reforming the institutional framework regarding guardianship of UASC, in order to implement a system characterized by efficiency, adaptability and accountability.⁹³

4. ACCESS TO EDUCATION

With a letter sent by GCR together with Terre des Hommes (TdH) to the Ministry of Education in late November, NGO's requested information on the operation of Reception Classes as the first trimester of the school year is almost completed. The answer received concerned primary education only, however, where it seems that the vast majority of the Reception Classes are established. Transportation and other issues still remain in some areas, as reported by the Refugee Education Coordinator in Ritsona camp, even for the primary school pupils.⁹⁴

89 art. 19 of Presidential decree no 220/2007

90 see International Rescue Committee, *A chance for a better future: Supported independent living and the protection of unaccompanied children in Greece*, 16 November 2021, available at: <https://bit.ly/3r5lCzf> p.14, as well as Nikolopoulos Pel., *The guardianship system in Greece*, in Synigoros legal magazine, issue 127, 2018, Athens, p. 48, available at: <https://bit.ly/3CSmEAL> (in Greek)

91 Specific problems were reported by UNHCR in Lesbos and in Samos regarding the representation of children during the asylum procedure, information provided at the Athens Child Protection Working Group on 23 September 2021

92 instead of EKKA, even though par. 4 of art. 60 of law 4636/2019 is still in force

93 Answer to GCR by email of 10 December 2021

94 Christos Alexiou, EfSyn, *Zahra, Sana, Narges, Jasmine, Sarina and Ritsona ...*, 19 November 2021, available in Greek at <https://bit.ly/3DE5nMc>

5. RECOMMENDATIONS

The European Union and its Member States should:

1. **Continue to raise concerns** about the Joint Ministerial Decision to designate Turkey a “safe third country” for refugees from Afghanistan, Syria, Somalia, Bangladesh and Pakistan, and call on the Greek government to revoke the decision
2. **Insist on a halt to illegal pushbacks** of asylum seekers and refugees from Greek territory and at Greek borders, and fully independent investigations of all allegations and independent monitoring of the border
3. **Accelerate relocations**, with the goal to reach the target as soon as possible.
4. Beyond the extension of the ongoing scheme, an extended and permanent **EU scheme for voluntary relocation should be swiftly developed**, providing a transparent operational framework and a platform to coordinate pledges by individual states and provide a for regular exchange before, during and after ongoing transfers, collect good practices, until a permanent relocation mechanism as proposed in the new EU Pact on Migration and Asylum is established

The Greek Government should:

1. Make sure that the **National Strategy for the protection of unaccompanied children is put in public consultation**, takes into account the views of the children, and contains specific and measurable action points to be met in a specific timeframe under specific funding
2. Make sure that the **National Tracing and Protection Mechanism constitutes a long-term and integral part of a sustainable plan for the protection** of the unaccompanied children in the country
3. As soon as possible **put in place an efficient and sustainable guardianship system** not only at the borders of Greece but all over the country and make sure that the best interest of any child is of top priority, regardless of its nationality or legal status
4. **Urgently address the disruption to the distribution of cash assistance** and halt of catering services to ensure that all beneficiaries and vulnerable individuals receive assistance in a timely manner
5. **Refrain from any de facto detention practices** in the CACC in the islands or elsewhere and make sure that people who want to (re)seek asylum can access the international protection procedure
6. Make sure that the **Authority entrusted with monitoring fundamental rights at the borders is functionally independent**, bears no institutional link with the authorities responsible for border management, has sufficient institutional experience in human rights law, and communicates directly with crime investigating authorities

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This paper was written by Agapi Chouzouraki and edited by Daniel Gorevan.

Cover:

Eirini*, 15 years old, of Nigerian-Ethiopian origin taking a stroll in Thessaloniki's Mall
Photo provided by the child's family, December 2021

*The name of the child has been changed to protect her anonymity.