



**GREEK
COUNCIL
FOR
REFUGEES**



Save the Children

GREECE:

Children on the move

July - August 2021 update



***Jabar, 15 years old
with his young sister in GCR office, Athens**

GENERAL OVERVIEW

As of June 30th 2021, Greece is hosting approximately **49,200 asylum seekers**¹. Total land and sea arrivals since the **beginning of 2021 amount to 3,606 people**².

18,080 asylum seekers reside in 24 facilities managed by the Armed Forces³ while **18,747** asylum seekers and refugees are hosted under the ESTIA II urban accommodation scheme, 47% of whom are children.⁴

There are over 7,500 People of Concern (PoCs)⁵ residing at the **Eastern Aegean Islands** (camps, RICs, ESTIA, other) - including **1,725 (23%) children**. Seventy per cent of these children are under the age of 12 years old. 241 of them (14%) are unaccompanied or separated (UASC), mainly children from Afghanistan⁶.

KEY DEVELOPMENTS

In Greece

The Greek government's designation of Turkey as a "safe third country" for nationals or former residents of Syria, Afghanistan, Somalia, Pakistan, Bangladesh by a Joint Ministerial Decision (JMD) published in June 2021, is of serious concern⁷.

The government's policy means that asylum applications made by applicants from these five countries, including children, can be rejected as inadmissible without an assessment of the merits of their individual claim. The Ministerial Decision is essentially an attempt shift the responsibility for the large majority of individuals seeking asylum on its territory to a third country, without due process or sufficient safeguards.

There are already claims of vulnerable families with children that have been declared inadmissible on the basis of the JMD, now pending in front of the Asylum Service Appeals' Committees⁸.

In response to the Ministerial Decision UNHCR recommends Greece "reconsider this extensive use of admissibility procedures in Greece in favour of in-merit fair and fast asylum

¹ Data published on July 15th, 2021, Ministry of Migration and Asylum (MoMA) available at <https://bit.ly/3rPXkaI>

² Ibid.

³ Hellenic National Defence General, July 29th. Data available at: <https://bit.ly/3fzE2Sa>

⁴ ESTIA II Press Release, available at: <https://bit.ly/3CbL2hE>

⁵ Meaning seekers and beneficiaries of international protection

⁶ UNHCR, Aegean Islands Weekly Snapshot 19 - 25 July 2021, available at: <https://bit.ly/3jrKxY9>

⁷ JMD no 42799/2021 OGG 2425/B/7-6-2021. A Press Conference was held on July 14th with the participation of NGOs, among which GCR, UNHCR and beneficiaries themselves, available at: <https://fb.me/e/1yTuN4tY0>

⁸ Information provided by GCR lawyers working in Lesvos Island

procedures” and “to provide for swift access to in-merit asylum procedures whenever an individual cannot be readmitted to avoid legal limbo situations and protracted detention”.⁹

Response to developments in Afghanistan

The reaction of Greek politicians to the takeover of Afghanistan by the Taliban in July and August 2021 has been to underline that it will seek to take measures to prevent or deter significant numbers of refugees arriving in Greece. At a meeting of EU foreign ministers on 17th August, Greek Minister of Foreign Affairs Nikos Dendias emphasized the need to “protect EU borders”, a message echoed by Civil Protection Minister Michalis Chrisochoidis who, while announcing the completion of a 40km barrier on its border with Turkey, said Greece’s borders would be “inviolable” .¹⁰

Following statements by Turkish President Recep Tayyip Erdogan that Turkey will not be “Europe’s refugee warehouse”, Greek Prime Minister Mitsotakis Kyriakos discussed the issue with the Turkish leader and both countries agreed to try to limit refugee and migratory movements to Afghanistan’s neighbours.

The emphasis on deterrence has meant there has been little preparation or contingency planning for an increase in arrivals. In addition, the Joint Ministerial Decision, which designates Turkey a safe third country for Afghans and limits their ability to claim asylum in Greece, continued “pushbacks”, and reported mistreatment of refugees in Turkey, mean that Afghan children face innumerable and unacceptable risks if they are seeking asylum in Europe.¹¹

The crisis in Afghanistan came against a backdrop of increased tensions between Greece and Turkey over refugee issues. The Greek Minister of Migration and Asylum sent a letter to European Commission Vice President Margaritis Schinas and European Commissioners Ylva Johansson and Oliver Varhelyi, as well as Frontex Executive Director Fabrice Leggeri, blaming Turkey for causing a boat carrying 13 migrants to sink and failing to rescue them. The Greek Coast Guard rescued ten of the individuals, three are missing.¹² Mitarachi also requested the return of 1,908 irregular migrants to Turkey¹³, reiterating complaints regarding the implementation of the EU-Turkey deal of March 2016, claiming that Turkey does not prohibit access to Greek territory, as it is supposed to under the terms of the agreement.¹⁴

⁹ *Position and Recommendations Paper on the Safe Third Country Declaration by Greece*, UNHCR 2 August 2021 <https://www.unhcr.org/gr/22885-unhcrs-position-and-recommendations-on-the-safe-third-country-declaration-by-greece.html>

¹⁰ *Minister of Foreign Affairs Nikos Dendias participates in the extraordinary videoconference of EU Foreign Ministers on Afghanistan (17.08.2021)* <https://www.mfa.gr/en/current-affairs/statements-speeches/minister-of-foreign-affairs-nikos-dendias-participates-in-the-extraordinary-videoconference-of-eu-foreign-ministers-on-afghanistan-17082021.html> *Greece completes border wall extension to deter potential Afghan migrants*, Reuters <https://www.reuters.com/world/europe/greek-pm-turkeys-erdogan-will-discuss-afghanistan-friday-2021-08-20/>

¹¹ *Afghan Refugees Find a Harsh and Unfriendly Border in Turkey*, New York Times, 23 August

<https://www.nytimes.com/2021/08/23/world/europe/afghanistan-refugees-turkey-iran-taliban-airport.html>

¹² Amna press, “Turkish patrol boat involved in migrant boat sinking, Mitarachi says”, 03.08.2021, available at: <https://bit.ly/3lyMKnj>

¹³ MoMA’s Press Release, 28.07.2021, available at <https://migration.gov.gr/neo-aitima-tis-elladas-gia-tin-epistrofi-1908-paranomon-oikonomikon-metanaston-stin-toyrkia/>

¹⁴ Ta Nea, 02.08.2021,

I'm 15 years old and I live in Greece with my family for more than 2,5 years now. I'm trying my best to learn the Greek language, I love to read books and I go to Greek school, I have good classmates. All this time in Greece, we didn't have an appointment with the Asylum Service to do our interview- and I mean at least the interview, not the decision. All this time we don't have any permanent papers, we waited and waited. Now, suddenly, after 2,5 years they called us to do the interview and instead of asking us about our life in Afghanistan and the serious dangers we had there, they were asking us about our stay in Turkey. We were really sad, not just me, but all the members of the family, because we had been waiting for 2,5 years for an interview about our life in our country and we did not expect interviews for our stay in another country.

In Turkey, people don't want us, are not friendly and the Turkish government does not give papers to Afghan people – on the contrary, whenever they want, they send you back to Afghanistan no matter what problems you have. I feel worried about this, the legislation changes every day in Greece and we cannot do anything, or plan for the future. I cannot decide which subject or profession should I study, as I don't have any documents and I don't know anything about my future.

To be honest, the situation is really bad in Greece, but I cannot blame to government because they cannot support me, there are thousands of refugees and asylum seekers so they cannot pay attention to me - but sometimes I really get upset and I'm thinking why do they let be me helpless?

For me it doesn't matter in which country I will live; I don't have to go to Germany or to another country, Greek people are very warm-hearted and polite. Wherever I live, what I only care about is to be in a country that there's humanity and where people actually have human rights. A country like this is a country to live and study and offer to its people.

***Jabar, 15years old from Afghanistan currently living with his family in Athens**

Another important development is the compensation granted by the Administrative Court of Athens to the family of a Syrian national who died due to inhalation of carbon monoxide in his effort to stay warm in Moria. The court recognized Greek authorities' responsibility to protect migrants from freezing temperatures and inhumane conditions at the Reception and Identification Centres (RICs) in accordance with national and EU legislation.¹⁵

European Developments

The **European Committee on Social Rights** with its decision of July 12th, set a new landmark on child protection issues in Greece. The collective complaint procedure initiated and brought by the International Commission of Jurists (ICJ), the European Council for Refugees and Exiles (ECRE) with the support of the Greek Council of Refugees (GCR) presented serious systemic flaws in Greek law, policy and practice that deprive unaccompanied migrant children in Greece of the rights to housing, health, social and medical assistance, education, and social, legal and economic protection under the European Social Charter.

More specifically, in its decision on the merits, the Committee **unanimously** concluded that:

¹⁵ The court decision no 6341/2021, is available in Greek at: <https://www.lawspot.gr/nomika-nea/astiki-eythyni-gia-thanato-syrioy-diamenonta-sto-kentro-ypodohis-kai-taytopoiisis-sti>

- ➔ there is a violation of Article 31.1 of the Charter due to the failure to provide **adequate accommodation** to refugee and asylum-seeking children on the islands and the lack of sufficient **long-term accommodation** for unaccompanied refugee and asylum-seeking children on the mainland;
- ➔ there is a violation of Article 17.1 of the Charter due to the inadequate accommodation situation of accompanied and unaccompanied migrant children and the **lack of an effective guardianship system** for unaccompanied and separated migrant children; Also due to the **detention** of unaccompanied migrant children under the “protective custody” scheme;
- ➔ there is a violation of Article 7.10 of the Charter due to the failure to take the necessary measures to guarantee accompanied and unaccompanied migrant children the special **protection against physical and moral dangers**;
- ➔ there is a violation of Article 17.2 of the Charter due to the **lack of access to education** for accompanied and unaccompanied migrant children on the islands;
- ➔ there is a violation of Article 11.1 and 3 of the Charter due to the failure to provide appropriate accommodation and **sufficient health care to accompanied and unaccompanied migrant children on the islands** and appropriate shelter to unaccompanied migrant children on the mainland;

Separately, allegations of pushbacks by the Greek border control authorities have continued to cause concern at EU level. The European Commissioner for Home Affairs, Ylva Johansson, on July 8th in her reply to a letter sent by 5 frontline NGOs, including GCR, regarding pushbacks, stated that “*alleged pushbacks by the Greek authorities are highly concerning*”.¹⁶ In response, Mr. Mitarachi declared that “*allegations affecting Greece are clearly unfounded, rely on footage or testimonials provided for from the country of departure.*”¹⁷

Update on Relocation

With the relocation scheme for unaccompanied and separated children (UASC) coming to an end in October 2021, no more referrals are being accepted by the competent agencies so as to conclude the pending ones.¹⁸ In the most recent statistics published by International Organization for Migration (IOM)¹⁹ a total of **885 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 that welcome most of these children²⁰. As part of the Voluntary Scheme for the Relocation **3,250 members of vulnerable families with children, beneficiaries and applicants of international protection** have been relocated, mostly to Germany, France and the Netherlands²¹.

Transition to adulthood

¹⁶ See GCR’s 19.07.2021 Press Release and the Commissioner’s letter attached at <https://bit.ly/3Cj6G3F>

¹⁷ Statement of 13.07.2021 available in English at: <https://bit.ly/3yrhL01>

¹⁸ Information provided by field GCR lawyers, working at Safe Zones

¹⁹ IOM (2021) ‘Voluntary Scheme for the relocation from Greece to other EU countries. 05.08.2021, available at: <https://greece.iom.int/sites/greece/files/210805.pdf>

²⁰ Ibid.

²¹ Ibid.

Up until now, if a case of an unaccompanied and separated child was rejected at the first instance, there was a legal possibility for the case to be referred at a second instance to the Ministry of Interior in order for the child/youngster to be granted a residence permit on humanitarian grounds, especially if the youngster had already spent many years in Greece (schooling, social ties). With the newly passed law 4825/21 this legal possibility is now abolished²², leaving ineligible young claimants with no legal framework during their transition to adulthood. This development together with the fact that the few shelters existing for these youngsters (18+ or ESTIA II) provide them with basic social support and no legal aid at all, leave these vulnerable claimants particularly insecure.²³

Separately, during a focus group discussion, organised by GCR in July, the SSPUAM stated that a new type of shelter for youth aged 18-21 will be operational in Greece from September onwards.

Unaccompanied and Separated Children

As of July 15th, **3,148** UASC are estimated to be in Greece of which almost 92% are boys, 8,2% are girls and 9,3% children are below the age of 14 years old. The majority of the UASC in Greece are from Afghanistan (33%), Pakistan (20%) and Syria (13%), while 34% come from other countries²⁴.

Accommodation facilities for unaccompanied and separated children²⁵:

# of UASC in long-term accommodation (Shelter/SIL)	# of UASC in hotels	# of UASC in "Safe Zones"	# of UASC in RICs	# of UASC in Open temporary accommodation facilities (camps)	# of UASC in protective custody
1,711 (1,435 in Shelter / 276 in SIL)	192	271	120	123	14

Also, around 717 unaccompanied and separated children are living in precarious housing conditions such as living temporarily in apartments with others, living in squats, being homeless and moving frequently between different types of accommodation²⁶. In a recent interview, MoMA's Special Secretary for the Protection of Unaccompanied Minors (SSPUAM) stated that Greece's current maximum capacity to host UASC is **2,500** children.²⁷

²² Par. 5 art 43 law 4825/04.09.2021. For a legal analysis of this issue when the law was on public consultation, see Vassilis Papadopoulos, GCR BoD President, in Greek <https://www.gcr.gr/el/news/press-releases-announcements/item/1432-arthro-tou-proedrou-tou-esp-gia-tin-adeia-diamonis-gia-anthropistikoy-logous>

²³ Information provided at the Child Protection Working Group of North Greece, 17.06.2021

²⁴ EKKA Situation update: Unaccompanied Children (UAC) in Greece, as of 15.07.2021 available at https://www.ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91_2021/EKKA_Dashboard_20210715.pdf

²⁵ based on EKKA statistics, ibid.

²⁶ based on EKKA statistics, ibid.

²⁷ Interview available in Greek at: <https://www.scribd.com/document/514175263/Interview-With-Eirini-Agapidaki>

The **National Tracing and Protection Mechanism for Unaccompanied Children** – a joint government, UN and NGO initiative to provide an alternative to police protective custody²⁸ – is being operationalized following initial setbacks. Two camps, one in North Greece (Vayiochori) and one in Central Greece (Chisto) are designated as UASC reception / transit facilities where children are to be referred in order to a) get their asylum claim lodged, b) have their initial BIA conducted, c) go through the medical examinations that are prerequisite to enter a shelter and d) go through an age assessment procedure in cases necessary²⁹. All these procedures should be concluded in 3-weeks time. The capacity is at the moment of 30 children in each transit facility.

Humanitarian situation on the mainland

According to IOM 21,854 people are currently accommodated within 28 accommodation sites in mainland Greece, with **8,892 children (41%)** among them³⁰.

During the August wildfire in Varypombi area, Attika, 16 UASC were transferred from the pre-removal detention center of Amygdaleza to Elefsina accommodation site, as a precautionary measure.³¹

Evros

According to a report published by Human Rights 360 in July 2021, age assessments at the land borders of Greece are posing serious problems for asylum seeking children³². According to the Joint Ministerial Decision (JMD) in force³³ children have only 15 days to present identification documents acquired from their country of origin to prove their age when contesting the initial assessment. In addition to the short deadline, restrictions of freedom of movement inside the RIC of Fylakio in Evros area make this particularly difficult.

According to same report, the absence of an official state-run guardianship system in the RIC is cause for increasing concern, as the current NGO-run system of guardianship is due to end soon³⁴.

²⁸ For more details see *Greece launches national tracing and protection mechanism for unaccompanied children in precarious conditions*, Joint Press Release 6 April 2021 <https://www.unhcr.org/gr/en/18899-greece-launches-national-tracing-and-protection-mechanism-for-unaccompanied-children-in-precarious-conditions.html>

²⁹ Information shared at the Child Protection Working Group, Northern Greece, 15.07.2021

³⁰ IOM, Supporting the Greek Authorities in Managing the National Reception System for Asylum Seekers and Vulnerable Migrants (SMS), Factsheet, June 2021, available at: <https://bit.ly/2Vxgx5o>

³¹ Ertnews, 03.08.2021, <https://www.ertnews.gr/eidiseis/ellada/stin-eleysina-metafertikan-16-asynodeyta-prosfygopoyla-logo-tis-pyrkagias/>

³² Human Rights 360, Violations of human rights in Greece in the «light» of European Pact on Asylum and Migration «Fighting in the dark», available at: <https://www.humanrights360.org/violations-of-human-rights-in-greece-in-the-light-of-european-pact-on-asylum-and-migration-fighting-in-the-dark/>

³³ JMD no 9889/2020

³⁴ According to the report, the NGO-run guardianship was 6-months long with a possibility of a 3-months extension, namely it will be operating until September 2021, see p.19

Humanitarian situation on the Aegean Islands

As of August 2021, official statistics regarding the refugee and migrant population residing in the Eastern Aegean islands³⁵:

	Lesvos	Chios	Samos	Leros	Kos
Occupancy	4,051	287	822	101	69
Capacity	8,000	1,014	648	860	816

Lesvos

In Lesvos people cannot currently leave the camp on Sundays as, according to the camp's management, there is not sufficient staff to organize entry-exit.³⁶

With a video³⁷ depicting the location of the new MultiPurpose RIC (MPRIC) in Lesvos next to the island's waste landfill, LeSol NGO marked the 70th anniversary of the 1951 Refugee Convention on July 28th. According to the said organization *“With this decision on the location of the MPRIC, EU institutions and authorities prove that this camp will not constitute a place of dignified reception and accommodation, ensuring provision of appropriate support and health care to the population who will reach the European territory seeking protection.”*

Samos

According to an announcement issued by the head of the Reception and Identification Service (RIS), Samos RIC in Vathy will permanently close down on September 30th, while the new Closed Controlled Center in Zervos site will be operational from September 18th onwards.³⁸

KEY RECOMMENDATIONS

The European Union and its Member States:

- **The EU and member states should 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**
- **The EU should support contingency planning and preparedness for a humanitarian response in the event of an increase in arrivals from Afghanistan, with specific attention on the possibility of an increase in unaccompanied and separated children**

³⁵ National Situational Picture Regarding the Islands at Eastern Aegean Sea, 03.08.2021, available at: <https://infocrisis.gov.gr/14182/national-situational-picture-regarding-the-islands-at-eastern-aegean-sea-03-08-2021/?lang=en>

³⁶ Information shared at the Advocacy Working Group, 08.07.2021


³⁷ Available at: <https://bit.ly/3isKvjy>

³⁸ See relevant MoMAs's Press release, 29.07.2021 at <https://migration.gov.gr/xekina-ton-septemvrio-i-leitoyrgia-tis-neas-kleistis-elegchomenis-domis-samoy/>

- **Member states should support the European Commission’s efforts to relocate children from Greece and continue the transfer of unaccompanied children and vulnerable families. The EU relocation scheme for unaccompanied children should be extended.**
- **The European Union should encourage the Greek Government to end overcrowding and unsafe conditions on the Islands, while accelerating the transfer of the most vulnerable to the mainland, and offer support to the government to do so**
- **The European Union should develop a monitoring mechanism for fundamental rights at EU borders that is broad in scope to cover all fundamental rights violations at the border and well-resourced to ensure its meaningful contribution towards more accountability.**
- **We urge the European Institutions to ensure that commitments included in the EU Strategy on the Rights of the Child are reflected and embedded in the final version of the files included in the EU Pact on Migration and Asylum.**

The Greek Government should:

- **Revoke the Joint Ministerial Decision of June 2021 on Turkey as “safe third country” for refugees**
- **Immediately exclude UASC and vulnerable families from the scope of the JMD and examine their claims on their merits**
- **Put in place an efficient and sustainable guardianship system not only at the borders of Greece but all over the country**
- **Ensure that all asylum-seekers have meaningful access to appropriate legal aid and psychosocial support, interpretation services before the interviews at the Asylum Service**
- **Ensure that age assessments are initiated with the genuine aim of protecting children, and individuals whose age is being assessed are given the benefit of the doubt. The difficulties of refugees in accessing documents from their countries of origin should be recognised and not solely or primarily relied on, with other procedures prioritised where individuals cannot produce these.**
- **Ensure unimpeded access to quality education to children of all ages and nationalities, in line with Articles 28 and 29 of the International Convention on the Rights of the Child, regardless their legal status. Reception classes and transportation arrangements should be planned in a timely manner.**
- **Provide children turning 18 with a status of residence that can efficiently support them through their transition to adulthood. Youngsters living in 18+ accommodation should be provided with legal aid and psychosocial support.**
- **Provide protection services to homeless UAC living in the streets and in unsafe housing and further enhance the National Tracing and Protection Mechanism of the Special Secretary for Unaccompanied Minors (SSPUAM) in order to abolish in practise the protective custody of all children in Greece.**



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Cover Photo by Kleio Nikolopoulou, Athens, August 2021

* The name of the child has been changed for child protection reasons