

“We are not here because we are hungry...we have problems in our countries...that is why we are here.” [Interview with asylum seekers on Samos]

Limits of Indignation:

the EU-Turkey Statement and its implementation in the Samos ‘hotspot’



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List of abbreviations

EC: European Commission

EASO: European Asylum Support Office

GAS: Greek Asylum Service

IOM: International Organization for Migration

KEELPNO: Greek acronym for Hellenic Center for Disease Control & Prevention (HCDCP)

MSF: Médecins Sans Frontières

RAO: Regional Asylum Office

RIC: Reception and Identification Center (commonly known as “hotspot”)

RIS: Reception and Identification Service

UAM: Unaccompanied Minors

UNHCR: United Nations High Commissioner for Refugees

Limits of indignation: thoughts from a recent visit to Samos

“We are here. They are treating us like animals. We are not animals”¹

Spoken by a young, male, asylum seeker, this straightforward and disarming reply echoed the replies we got from the other 16 asylum seekers with whom we discussed during our November 12-14 monitoring visit to Samos. The question? What they would have wished to say to the authorities responsible for their forced entrapment on the island, if they were ever given the chance.

There is, perhaps, nothing that can more vividly attest to Europe’s failure –in every humane way possible– to create and provide the conditions of safety to forcibly displaced populations, then the overwhelming hopelessness and futility underlying such replies. A hopelessness, crucially, felt not as a result of past persecution, nor as a result of the grave perils undergone in the desperate effort to reach safety, but rather a hopelessness produced by the very act of having finally reached that sought for safe haven, only to realise it wasn’t quite what you expected; that the place you tried to escape to, proved to be worryingly similar to the place you had tried to escape from.

“If you are sleeping here...They don’t care about us. It’s like we are living in our country”²

What follows is a brief report aimed at highlighting some of the major effects that the March 18, 2016, EU-Turkey Statement (henceforth, the “Statement”), coupled with the ongoing failure of the Greek authorities to address the situation in a humane manner, have brought on the lives of refugees and asylum seekers reaching Greece’s Eastern Aegean islands. The report draws primarily from our November 12-14, 2018, monitoring visit to Samos, which was focused on the island’s Reception and Identification Center (RIC), at Vathy, and is complemented by a range of other, internal and external, sources, including interview-discussions with beneficiaries, organisations and officials on the ground.³ It aims to provide a brief, yet concrete contextualization of the subject matter, followed by a number of relevant conclusions and recommendations.

Though published in a period when terms such as EU-wide solidarity and responsibility-sharing seem to have largely lost their meaning in the context of the Refugee response, and with the Statement having by now become a normalized reality, on account of the ongoing political unwillingness to reconsider its human and rights’ costs, it aims to further document its effects, as a reminder of the stark realities underlying frequently used “catch phrases”, such as “success” and “game-changer”,

¹ Interview-discussion with 8 asylum seekers of sub-Saharan nationalities on 13.11.18.

² Interview-discussion with 8 asylum seekers of sub-Saharan nationalities on 14.11.18.

³ We would especially like to thank the Greek Asylum Service (GAS), the Greek Reception and Identification Service (RIS), the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) for accepting to meet with us and for the information provided during our meetings.

which are so hastily employed when discussing the Statement. It aims to remind, even if for posterity, the other side of the picture; not of “flows”, but of human beings.



The Case of Samos

The Samos Reception and identification Center (RIC) –a former shooting range, previously (since 2008) used as a closed reception center that expanded and transformed into an operational RIC in March 2016 in the context of the EU’s “hotspot” approach to Migration⁴– has during the course of 2018 gradually become the foremost amongst the five, island-based, open prisons, where forcefully displaced populations have been forced to live under what have consistently been characterized as unsuitable, inhumane and degrading conditions.⁵

“Nous sommes comme en prison [we are like in a prison]. We are not living good [sic]...they do not treat us good [sic]”⁶

With the primary reason for this being the steadily increasing (severe) levels of overcrowding, and the concomitant dehumanisation of refugees and asylum seekers, by the time of our November 12-14, 2018, visit, the downward spiral had reached a new low point, with the RIC, whose capacity remains limited to **648** places, “hosting” close

⁴ See AIDA, *Country Report: Greece (2017 update)*, March 2018, available at: <https://www.asylumineurope.org/reports/country/greece>, p.25, and European Commission, *Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions: A European Agenda On Migration*, 13 May 2015, available at: <https://bit.ly/2ktwjtE>.

⁵ Indicatively Council of Europe, *Report to the Greek Government on the visits to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 April to 18 April and 19 to 25 July 2016*, 26 September 2017, available at: <https://rm.coe.int/pdf/168074f85d>; MsF, *EU-Turkey deal continues cycle of containment and despair*, 18 March 2019, available at: <https://www.msf.org/eu-turkey-deal-continues-cycle-containment-and-despair-greece-refugees>; The Guardian, *Oxfam condemns EU over 'inhumane' Lesbos refugee camp*, 9 January 2019, available at: <https://www.theguardian.com/world/2019/jan/09/oxfam-criticises-eu-inhumane-lesbos-refugee-camp-moria>.

⁶ Interview-discussion with group of 8 asylum seekers from sub-Saharan African countries on 14.11.18.

to **5,000** asylum seekers –that is, sevenfold or roughly **754%** over its capacity.⁷ As a result, unsuitable summer tents had for months sprang up throughout the RIC and its surrounding area, culminating in the formation of a quasi-shanty town, divided amongst three categories of increasingly underprivileged asylum seekers: those living in overcrowded temporary housing units (i.e. containers) in the RIC, those living inside the RIC’s premises, albeit in tents, and those living outside the RIC, in what had virtually become a “no man’s land”, where asylum seekers of all ages, genders, and physical/mental conditions had been largely left to their own devices.

In search of a shelter

“When I arrived, the only thing they told me was ‘go find your brothers from Cameroon’”⁸

With the Reception and Identification Service (RIS) –the competent authority responsible for the reception and accommodation of newcomers– having by far exhausted its capacity, for the six months preceding our visit it had fully stopped providing any type of accommodation support to all but the most visibly vulnerable asylum seekers. Since May 2018, that is, with relevant stockpiles having been reportedly depleted,⁹ newcomers had been left to arrange for the means of their accommodation exclusively by themselves, with the situation further aggravating around a week prior to our arrival when, for similar reasons, the RIS had reportedly stopped providing them even with blankets.¹⁰

In practice, this meant that upon arrival the vast majority of asylum seekers would be called to either manage with what little they were provided with (e.g. creating a roof with a piece of cloth/blanket) or find alternatives on their own. Most would thus strive to collect the funds necessary to collectively buy a tent, which they would then place either within the RIC’s premises or, once spaces there became exhausted, outside the facility, where some reportedly had to sleep on the ground and/or on fallen trees and branches.¹¹ For the latter, that is those left to live outside of the fully congested RIC, while stripped of any and all alternatives to finding a decent shelter, the RIS would reportedly also inform them that this would take place *at their own responsibility*,¹² as

⁷ Specifically, 4,969 on the 12th, 4,858 on the 13th and 4,844 on the 14th of November 2018. Data are regularly provided on the website of the [Greek Ministry of Digital Policy, Telecommunications and Media](#). For the specific time period, see <https://bit.ly/2LsohvV>, <https://bit.ly/2A7yj1h> and <https://bit.ly/2R7htZV>, respectively.

⁸ Interview-discussion with group of 8 asylum seekers from sub-Saharan African countries on 14.11.18.

⁹ Information provided by the RIS during our meeting on 14.11.18.

¹⁰ Interview-discussion with group of 8 asylum seekers from sub-Saharan African countries on 14.11.18.

¹¹ Others would reportedly resort to sleeping outside the Regional Asylum Office (RAO), hoping that by being there when the latter would open in the morning, they would manage to speed-up the process of acquiring an asylum seekers card, thus increasing their chances of leaving the island (if found vulnerable). Information acquired during interview-discussion with group of 8 asylum seekers from sub-Saharan African countries on 13.11.18.

¹² Information provided by the RIS during our meeting on 14.11.18.

the area surrounding the facility was and is officially considered as outside the Service's jurisdiction.

Thus for all intents and purposes, for the thousands of asylum seekers living in tents, and especially for those forced to live outside the RIC's premises, the situation in Samos signaled the virtual abolition of reception provisions, and their replacement by what had seemingly become a practice of **shifting the State's legal obligation to provide reception conditions to asylum seekers, to beneficiaries themselves.**

A short chronicle of (non-)reception at the Samos RIC

At the time of our interview-discussion on November 13, 2018, Mr Ali¹³ –a young, Syrian refugee, who had finally had his *vulnerability* recognized by the competent authorities– had already stayed on the island of Samos for **14 months since** his arrival. The reason? His being subjected to the measure of geographical restriction imposed for the purposes of implementing the EU-Turkey Statement.

As per his statements, upon his arrival –which was followed by a brief period of detention for the purposes of registration– both him and his fellow newcomers were provided by the RIS with only *one blanket* and left on their own to find “shelter” in the surrounding woods.

- During the first month of his stay, with the assistance of some of his fellow newcomers he managed to buy a **tent** (3 meters width, 6 meters length), where he lived alongside another **11 persons** for a period of **3 months**.
- On the **4th month** of his stay, having become desperate with living conditions in the woods, he made a deal with one of the camp's residents, from whom he “rented” a place in one of the RIC's crammed containers, where he lived for the subsequent 3 months.
- During the **8th month** of his stay, he was found by the facility's authorities living in the container without official authorization and was summarily evicted.
- Thus for the remainder of his stay he was once more forced to live in the exact same conditions of his initial “reception” (3x6m² tent with another 10-11 persons). This remained the case until, following GCR's intervention, his vulnerability was recognized and he was finally allowed to leave the island.

Throughout this period, the only interaction he had with the facility's authorities was when he was provided with that initial blanket, and when he was forced to exit the facility in order to once more tend to his accommodation on his own.

¹³ The name has been changed in the context of safeguarding personal data.

Living conditions

“It’s the worst thing living without electricity. How are we to survive?”¹⁴

To provide some further context to the situation, it should be pointed that though in close proximity to the city of Vathy, Samos,¹⁵ the RIC is located on a very steep and rocky hill/mountain, towering over the city’s ring road. Its surrounding area –known as the “olive grove”, to the east, and the “extended area”, to the west (henceforth, both “extended”)– is covered with olive trees and bushes, which in turn serve as a habitat for insects, rodents, and various other types of wildlife (e.g. snakes and scorpions). It has no access to running or clean water, – an issue also occasionally encountered in the facility itself– no access to electricity and lighting, and no protection from the weather. Notwithstanding everything else, it is thus susceptible to rains and strong winds, which are known to create from ponds and muddy grounds, to an increased risk of landslides.

“Someone fell down because he was sick [yet] the ambulance never came. They call the taxi and you pay yourself”¹⁶

Despite this, as observed during our visit the area remains evidently unsupervised even during the day, thus a priori excluding any possibility of intervening and providing assistance to its inhabitants in a timely manner, if an emergency arises. It is therefore not only uninhabitable, but dangerous to live in; especially for longer periods of time, and especially for persons that have already been exposed to harm and persecution, either in their countries of origin, or while in transit towards their destination.

*“Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health”.*¹⁷

That being said, at the time of our visit a third (approx. 1,500) and perhaps more of the island’s asylum seekers –the majority of whom single men and the rest families (including single-headed ones) with children and single women– had been left to live in these squalid conditions; some for weeks, the majority for (several) months, and some for years, as was the reported case of an asylum seeker who had to remain there

¹⁴ Interview with young Syrian refugee on Samos, on 13.11.18

¹⁵ In itself, perhaps the sole factor why Samos has not been characterized by the frequent tensions and riots observed in other “hotspot” islands and especially Lesbos, as asylum seekers, at least, have constant access to the “outside world” and thus a means of escaping what would have otherwise been life in an open prison.

¹⁶ Interview-discussion with group of 8 asylum seekers from sub-Saharan African countries on 13.11.18.

¹⁷ Article 17(2), *Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)*.

for **more than 2 years**, before he was finally granted an “open” asylum seeker’s card (i.e. without geographical restriction).¹⁸

Expectedly, all of the extended facility’s inhabitants were suffering from dermal conditions, due to both their long-term exposure to poor sanitary conditions and the lack of access to healthcare services, as the RIC’s sole doctor and scarce supporting personnel had their hands full with the (medical) vulnerability assessments needed in the context of the asylum procedure.

“We have mental problems and if we go to the doctor they say ‘go away’. They think we are lying. One thing I know: everybody here is sick”¹⁹

Completing the picture, the area was filled with plastic bags, bottles and other types of garbage (including rotting food), which were scattered around the place and at times covered parts of the tents/makeshift shelters where beneficiaries would sleep. Indeed, we got the chance to observe in detail one of these makeshift shelters, which at the time accommodated three single men –the first two had bought and placed the tent, the latter was a relative newcomer, whom they were hosting/assisting due to the lack of alternatives. The space consisted of a small, two person tent, covered and surrounded by plastic bags, as a means of protecting its inhabitants from the weather. The tent, furthermore, was placed on top of wooden pallets of questionable stability, which the beneficiaries –much like the rest of the extended RIC’s inhabitants– had bought from local sellers, with the aim of creating a semblance of foundation upon the otherwise steep and rocky mountain surface. Beneath (between the pallets) and around the tent, which enclosed as it was in plastic also created a feeling of claustrophobia, were some empty and some half-full bottles of water, which they had presumably preserved, while on the sole sunny spot of the “residence”, upon a rock, was something remotely resembling a ration of food, which presumably they had placed there so as to heat before eating. The décor was completed with a short plastic table and three half-destroyed and dirty chairs which the beneficiaries had gathered so as to create a semblance of “home”, for which they evidently felt ashamed when we politely asked them if we could use, so as to be able to keep notes during our discussion.

¹⁸ Interview with young Syrian refugee in Samos, on 13.11.18. and interviews-discussions with 8 asylum seekers of sub-Saharan nationalities on 13.11.18 and 14.11.18.

¹⁹ Interview-discussion with group of 8 asylum seekers from sub-Saharan African countries on 13.11.18.



Samos, RIC

Much like their “home”, the extended area was generally reeking, as the lack of sufficient communal latrines (see further below) meant it also had to serve as an outdoors toilet. This, in turn, and in conjunction with the piles of garbage, the de facto substandard sanitation levels, and the extended facility’s very location in the forest, further served to attract various species of bugs, spiders and other types of wildlife, which entered and occupied beneficiaries’ tents, resulting in many –if not all– also displaying distinct marks of bug and bed-bug bites.²⁰

‘Bed bugs go to your back and leave you blisters [*sic.*]. The mattresses are full of them. [But] snakes and scorpions are more dangerous; we have had to kill several of those [while living here]’²¹

That being said, conditions inside the RIC, though relatively better, were similarly nowhere near adequate or humane. Severe overcrowding meant that even amongst those “lucky” enough to live within the facility’s enclosed premises, many would have to procure and/or create the means of their self-accommodation. The facility was thus filled with unsuitable summer tents, which had been virtually placed in all of its available spots, culminating in a large sort of shed, made of closely-placed tents, covered with plastic bags, which beneficiaries had “built” in an opening at the facility’s northern end. Those who were accommodated in containers, on the other hand, would have to live in highly crammed spaces in the facility’s insufficient containers, where it should, nevertheless, be acknowledged that efforts were made to accommodate as many of the outmost vulnerable asylum seekers, at least, under a roof.

[General issues of hygiene and sanitation](#)

Notwithstanding the deplorable conditions characteristic of the RIC’s extended area, it needs to be pointed out that the overall conditions of hygiene and sanitation to which

²⁰ Based on GCR field team observations in Samos in November 2018.

²¹ Interview with young Syrian refugee in Samos, on 13.11.18.

asylum seekers were exposed were ranging from highly substandard to clear-cut inhumane.

It suffices to note that for a population at the time consisting of nearly 5,000 asylum seekers, a large proportion of whom lived in tents and thus, irrespectively of whether “accommodated” inside or outside the RIC, lacked access to container-based amenities (i.e. showers and toilets), the extended facility’s total number of communal latrines (i.e. chemical toilets) – some of which found inside and others outside the RIC– was limited to **20**. That is a wide divergence from the recommended 20 persons per latrine, which as per relevant UNHCR guidelines is the necessary analogy for the promotion of camp-based sanitation and for avoiding the risk of disease transmission;²² both of which seemed to be concepts void of meaning in the facility’s daily operations.

Furthermore, as observed and as shown to us by a number of beneficiaries, who had documented the issue on their mobile phones, the toilet’s degree of maintenance was practically non-existent. Toilets were overflowing with excrements and other waste, while exhibiting a distinct odour. All of which made their usability, at best, highly questionable, at worst, a further risk factor for beneficiaries’ health. Yet despite this, as we were informed on more than one occasion, nothing seemed to be actually done to redress the situation.

“They don’t even give us [cleaning products]; we clean the toilets on our own means”²³

In a similar vein, garbage dumps were overflowing and though throughout our three-day visit we did witness small garbage trucks and cleaning personnel trying to tend to their collection, the result was a drop in the water; an issue which can, perhaps, be better contextualised by considering that, at the time of our visit, the facility was reportedly “producing” 6 tons of garbage/month.²⁴ Thus notwithstanding the rubbish that were scattered throughout the RIC’s extended area, or the ones gradually piling up at its eastern external fence, next to another row of tents, garbage piles even in the designated collection area found outside the RIC’s northeastern entrance, only ever seemed to be increasing in mass, further exposing asylum seekers –and especially those living in tents near and around the dumps– to health risks.

²² UNHCR (Division of Operational Services), *A Guidance For UNHCR Field Operations On Water And Sanitation Services*, January 2008, p.16, available at: <https://www.unhcr.org/en-my/49d080df2.pdf>

²³ Discussion with 8 asylum seekers of sub-Saharan nationalities on 13.11.18

²⁴ Information provided by the RIS during our meeting on 14.11.18.



Lastly, problems with the sewage system –especially during the summer²⁵– meant that sewage/drainage waste was steadily overflowing. An issue which was especially accentuated at the RIC’s western external side, where a small pond and stream of sewage water, steadily flowing from the few chemical toilets placed in the vicinity, crossed the muddy ground, reaching some of the area’s makeshift shelters (tents), where a number of primarily sub-Saharan African nationals were residing and sleeping.

Meals and water

Perhaps the sole exception to the overall image of abandonment was that pertaining to the distribution of food and water, to which all asylum seekers seemingly had access. As we were informed,²⁶ specifically, meals were provided 3 times per day to all of the area’s inhabitants which, considering the RIC’s overexerted capacity and the significant degree of understaffing, was in itself an accomplishment which needs to be acknowledged.

That being said, significant problems still remained even in this aspect of reception. The first, regarding waiting lines, which as we were informed during our “guided tour”,²⁷ would on average last from anywhere between 2 and 3 hours for each meal. The second, which was mentioned by several of the beneficiaries with whom we discussed –who, this time, showed us pictures of the plastic-packaged meals that they were usually provided– was that the food quality was very poor, with many of the camp’s inhabitants seemingly preferring to throw it away.

“You have to close your eyes to eat the food”²⁸

As such, they would patiently wait at the food distribution lines for one, two and three hours at a time, only to get some bread and the 1.5 liters of bottled water,²⁹ which

²⁵ Based on GCR field team observations in Samos between January and December 2018

²⁶ Meeting with KEELPNO on 13.11.18

²⁷ Information provided by the RIS during our meeting on 14.11.18.

²⁸ Discussion with 8 asylum seekers of sub-Saharan nationalities on 13.11.18.

²⁹ Information acquired through Interview with young Syrian refugee in Samos, on 13.11.18.

though clearly insufficient to cover not only hydration, but also the increased needs arising from the facility's deficiencies (e.g. washing, cooking), was still the only quantity to which each was entitled every day.³⁰

Lack of provisions for the (physically) vulnerable

As last remark, it needs to be pointed out that though the overall situation was undeniably amongst the worse, if not the worst experienced since the implementation of the EU-Turkey Statement, highlighting not only the steadily declining quality of island-based reception conditions, but also the continued disregard of the needs and rights of asylum seekers in their very capacity as humans, the facility's very location and design served as a further aggravating factor, which, in itself, makes it nigh impossible to tend to the needs of the more vulnerable of its inhabitants.

Case in point, a middle-aged asylum seeker who, for the (approximately) half an hour we waited for one of our meetings with the local authorities to commence (on 12.11.18), was struggling to traverse the very steep, congested pathway traversing the small RIC –which incidentally also consisted of a very poorly built concrete road– while walking *on crutches*. Evidently tired by the physically demanding task, he had to take frequent breaks which, in lack of any alternative sitting place, amounted to his striving to rest upon a minuscule section of concrete, overhanging from the foundation upon which the facility's external fence was built.

His case, to be noted, was only one of many other such cases of physically-challenged asylum seekers, amongst whom victims of bombings with injuries, atrophies, and amputated (or mutilated) body parts, whom alongside pregnant women –85% of which reportedly as a result of rape in their countries of origin³¹– reportedly accounted for some of the more frequent vulnerabilities observed by the competent authorities in the RIC.³²

In this context, a child, sitting next to us as we observed the surroundings, blissfully playing with a short wooden stick/branch, which he would rhythmically tap on the facility's barbed wire fence while lisping/signing numbers in Arabic, English and French, served as a stark reminder of the stakes at play in this ongoing situation.

³⁰ Information provided by KEELPNO during our meeting on 13.11.18

³¹ Information provided by the RIS during our meeting on 14.11.18..

³² Information provided by the RAO and the RIS during our meetings on 13.11.18 and 14.11.18, respectively.



Dehumanising the children

On the 14th of November 2018 –the day we were allowed access to the facility – the RIC reportedly hosted a total of **250** unaccompanied minors (UAM). Of those, 14 were girls that had been accommodated in a section alongside single women and families, and the rest boys, the vast majority of whom were crammed within the limited confines of the section designated for the accommodation of UAM.³³

The UAM section, specifically, consisted of a small, fenced section (connected to the rest of the RIC via an open door), encompassing a total of 7 temporary accommodation units (i.e. containers), each with the capacity to house a maximum of **8** children (thus a *total designated capacity of 56*). Accordingly, each container was overflowing with an average of **30** minors, some of whom we could clearly see through the containers’ partially open/cracked doors sleeping on the floor –an “activity” in which they have been reportedly known to engage in shifts,³⁴ due to the lack of sufficient spaces, beds and leisure time activities. The remainder, were living and sleeping under a makeshift “shelter”, which in practice consisted of a semblance of a roof made of blankets the children had themselves tied at the section’s far end (i.e. a portion of the RIC’s external wall), between the containers’ roofs and the barbed-wire fence separating them from the outside world.

Containers were in evidently poor condition –reportedly the poorest in the RIC³⁵ – having sustained various types of damage which had been left unrepaired for months;³⁶ an issue which highlighted both the RIC’s inability to properly accommodate and tend to the needs of the hosted population and, perhaps, the central authorities’ indifference on the matter. The latter, especially, remains a question to this day, considering how, despite the exponential increase in the number of stranded refugees of all ages and

³³ Information provided by the RIS during our meeting on 14.11.18.

³⁴ UNHCR, *Fact Sheet: Greece*, 1-31 January 2019, p. 3, available at: <https://data2.unhcr.org/en/documents/details/68057>

³⁵ Information provided by the RIS during our meeting on 14.11.18.

³⁶ Based on GCR field team observations in Samos between January and December 2018. Throughout this time, no official action was undertaken to repair the damage. Also see UNHCR, *Fact Sheet: Greece*, 1-31 January 2019, p. 3, available at: <https://data2.unhcr.org/en/documents/details/68057>

genders that came as a result of the closure of the “Balkan route” and the EU-Turkey Statement, combined with the lack of a realistic and functional EU responsibility-sharing mechanism, the number of specialised shelters aimed at the accommodation of UAM have largely remained stagnant for the past years (around 1,000 places). This, in turn, has de facto served to exclude the possibility of providing a decent living space to the more than 3,000 unaccompanied children present in Greece (specifically, 3,708 as of the 15th of February 2019).³⁷

Lastly, as if to further add to the feeling of exasperation and neglect, the section’s standard of hygiene was at its absolute lowest, further highlighting the inhumane and degrading treatment to which minors –much like the remainders of the RIC’s population– were exposed. The insufficient number of section-specific communal latrines, which were found at the section’s far right end and in close proximity to the aforementioned open-air makeshift “shelter”, were practically unusable, as they were overflowing with excrements and other types of waste, whose odour could be felt throughout the section.

Post-visit developments

It is undeniable that the major issue at the RIC of Samos was and remains the severe degree of overcrowding, which de facto makes it impossible to provide anything even remotely resembling the barest minimum of decent living conditions. It is therefore surprising that so little has been done to decongest the island since the time of our visit back in November, especially considering how, at the time, the competent Minister of Migration Policy had pledged the imminent transfer of no less than 2,000 Samos-based asylum seekers to the mainland; a transfer, to be noted, that would have been completed by the 15th of December (2018).³⁸

Overcrowding at the Samos RIC

End of year	2016	2017	2018	March 31 st , 2019*
Designated Capacity	850	700	648	648
Population	1,870	2,368	3,723	3,805
Overcrowding	220%	338%	574%	587%

Source: Website of Ministry of Digital Policy, Telecommunications and Media.³⁹ * **Last available data as of the time of writing**

³⁷ National Center of Social Solidarity (E.K.K.A.), *Situation Update: Unaccompanied Children (UAC) in Greece*, 15 February 2019, available at: <https://data2.unhcr.org/en/documents/download/68044>

³⁸ Samos Today, “Dimitris Vitsas: Immediate transfer of 2,000 refugees-migrants until 15/12, outside the city the new RIC until the end of February 2019 (Update)” [«Δημήτρης Βίτσας: Άμεση μεταφορά 2.000 προσφύγων – μεταναστών μέχρι 15/12, εκτός πόλης το νέο ΚΥΤ μέχρι τέλος Φλεβάρη 2019 (Ανανέωση)»], 4 December 2018, available at (in Greek): <https://bit.ly/2ThXTHq> and SAT, “Commitment to decongest and relocate the RIC outside the city by the Minister D. Vitsas” [«Δέσμευση για αποσυμφόρηση και μετεγκατάσταση του ΚΥΤ εκτός πόλης από τον Υπουργό Δ. Βίτσα»], 4 December 2018, available at: <https://samiaki.tv/desmeysh-gia-aposymforhsh-toy-kyt-ektos-polhs-apo-ton-poyrgo-metanastefikh-s-politikhs/>

³⁹ Provides regular statistical updates on the situation on the islands (arrival numbers, RIC capacities etc.). Can be accessed at the following link: <https://bit.ly/2CuW0l6>

Instead, as of the first months of 2019, overcrowding at the RIC of Samos has very much continued the upward, even if fluctuating, trend displayed during previous years. Meanwhile, other such pledges, this time in the form of an official decision to move the RIC to a new location with double the capacity (1,200), which saw the light of day as far back as October 2018,⁴⁰ have similarly proved to be outrunning the Greek Administration's capacity to resolve the situation, with estimates now being that said re-location will take place at some point in April 2019 (at best, 6 months later than initially announced).⁴¹

As a side note, it should however be added that even if or when the facility is ultimately relocated, it will still not serve to guarantee a humane resolution to the issues at hand, either in the near or long future. For starters, even with its enhanced capacity, as things currently stand, the new facility would still be insufficient to host the totality of the island's population of asylum seekers. Secondly, its location, which will seemingly be in a less inhabited zone (7 km from the city of Vathy),⁴² would only serve to further ghettoize newcomers. Thus, thirdly, aside from negatively impacting on their integration prospects, it would also and potentially serve to provide the space for tensions to arise; tensions which, up to now, have to a large degree been solely avoided precisely due to the current RIC's proximity to the city of Vathy, which provides beneficiaries with, at least, some way to (temporarily) escape from what would otherwise have been life in a secluded –even if open– prison.

To conclude, nevertheless, with ongoing levels of overcrowding not seeming to subside and with the Greek Administration remaining focused on a counter-productive doctrine of enhancing island-based reception and accommodation, rather than addressing the root causes of the problem, it remains highly questionable whether a humane solution is anywhere near in site, either for asylum seekers on Samos, or the rest of the “hotspot” islands.

However, and without diminishing the Greek State's legal and moral responsibility to protect the refugees and asylum seekers found on its territory, it should be acknowledged that, throughout the period discussed (November 2018-March 2019), there have also been significant –even if insufficient– efforts to decongest the island RIC (it is reminded that in November, the population verged towards 5,000), while further such efforts have by necessity stumbled upon the capacity of mainland sites, which has similarly become exhausted. This, in turn, necessarily brings us to the impasses created by the EU-Turkey Statement.

⁴⁰ Naftemporiki, “Samos: Under immediate relocation the RIC for refugees and migrants at Vathy” [«Σάμος: Υπό άμεση μετεγκατάσταση το ΚΥΤ προσφύγων και μεταναστών στο Βαθύ»], 9 October 2018, available at: <https://www.naftemporiki.gr/documents/1400380/samos-y-po-amesi-metegkatastasi-to-kyt-prosfugon-kai-metanaston-sto-bathu>

⁴¹ Naftemporiki, “Samos: In April the new RIC for refugees-migrants” [«Σάμος: Τον Απρίλιο νέο ΚΥΤ προσφύγων-μεταναστών»], 1 February 2019, available at: <https://www.naftemporiki.gr/story/1440524/samos-ton-aprilio-neo-kyt-prosfugon-metanaston>

⁴² Samos24, “Vitsas: in the area of “Sfageia” the new RIC” [«Βίτσας: Στη περιοχή «Σφαγεία» το νέο ΚΥΤ»], 15 March 2019, available at: <https://www.samos24.gr/neo-kyt-samoy-sfageia/>.

An approach doomed to fail: enter the Statement

Why the Statement? Because, at its core, it remains the reason why, upon arrival, forcibly displaced populations are forced to remain on the islands, in facilities which were never envisioned or designed to serve this purpose. The Statement, thus, remains the de facto condition of possibility of the well-known, by now, squalid conditions characteristic of the islands.⁴³

“Numbers speak for themselves...everything [was] designed for 700 persons”⁴⁴

As was the case with the rest of the “hotspots”, so too the RIC at Vathy, Samos, was never meant to serve as anything but a short-term transit Center,⁴⁵ aimed at facilitating the initial and orderly processing of (at the time) high numbers of undocumented arrivals. Specifically, it would have made it possible for Greek authorities –with the support of EU agencies, such as Frontex and EASO– ‘to swiftly identify, register and fingerprint incoming migrants’, while ensuring that ‘those claiming asylum [would have been] **immediately channeled** into an asylum procedure [...]’.⁴⁶

At the time, however, nowhere was it specified or mandated that said “channeling” (or referral) was to be made within the premises of the initial arrival/reception facility (i.e. the RICs or “hotspots”), as has been the case for the past 3 years. It’s worth to notice that trying to avoid the overcrowded conditions characteristic of today’s island-based RICs,⁴⁷ the initial Greek response to the “hotspot approach” referred to ‘[a] headquarter Hotspot **in Piraeus** [...] where asylum seekers [would have been] received from different arrival points’.⁴⁸ This was in itself a mechanism which, again at the time and especially considering the sheer proportion (close to 1 million) of arrivals, could have served as a significant building block towards establishing a functional system of reception.

Instead, with the Statement and its implementation leading to the practical “reframing” of the EU’s “hotspot approach” as regards its implementation in Greece, and

⁴³ ECRE, *The implementation of the hotspots in Italy and Greece*, 9 December 2016, available at: <https://www.ecre.org/ecre-the-implementation-of-the-hotspots-in-italy-and-greece/> and GCR, *Borderlines of Despair: First-line reception of asylum seekers at the Greek borders*, 25 May 2018, available at: <https://www.gcr.gr/media/k2/attachments/SCIZReportZfinalZPDF.pdf>

⁴⁴ Interview-discussion with KEELPNO on 13.11.18.

⁴⁵ Something, after all, which is explicitly stated in the January 8, 2016, Joint Ministerial Decision for the establishment of both the Samos and Chios island RICs, where reference is made to the establishment of “*First Reception Centers and Temporary Accommodation facilities*”. See Government Gazette, Number 6634/1–147524 –Issue B 10, 8 January 2016, available (in Greek) at: <http://www.odigostoupoliti.eu/sistasi-kentron-protis-ipodochis-ke-prosorinon-domon-filoxenias-politon-triton-choron/>.

⁴⁶ European Commission, *Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions: A European Agenda on Migration*, 13 May 2015, p.6, available at: <https://bit.ly/2ktwjtE>.

⁴⁷ Or for ensuring compliance with ‘obligations under EU law’, which, after all, take primacy over population management policies, as also highlighted in the EC’s definition of the hotspot approach. See https://ec.europa.eu/home-affairs/content/hotspot-approach_en.

⁴⁸ European Commission: Migration and Home Affairs, *The Hotspot approach to managing exceptional migratory flows*, 11 September 2015, available at: https://ec.europa.eu/home-affairs/e-library/multimedia/publications/the-hotspot-approach-to-managing-exceptional-migratory-flows_en

transforming the RICs into reception *and* long-term accommodation facilities, the conditions for the creation of ‘*some of the most appalling, mismanaged, and dangerous refugee camps in the world*’,⁴⁹ also came to be. As for the means? This materialised through the immediate imposition of a geographical restriction on the freedom of movement of post-Statement newcomers, which was normalized through multiple like-spirited decisions issued by consecutive Directors of the Greek Asylum Service,⁵⁰ by recourse to the need ‘*to implement the 18-3-2016 Joint EU-Turkey Statement*’.⁵¹ Since then and with the exception of the most vulnerable who, when and if recognized, as such, –considering ongoing gaps and inconsistencies in terms of the primarily psychosocial assessment of newcomers– are exempted from this geographical limitation, undocumented newcomers have been forced to undergo their asylum procedure on the Eastern Aegean islands.

The result has been the well-known by now situation of severe overcrowding characteristic of the islands, which, in itself, has in practice excluded any possibility of “welcoming” forcefully displaced populations under anything but the most deplorable conditions. This, to be noted, despite the exponential decrease in the post-March 2016 number of Greek-bound arrivals, which, jointly considering how the Statement was envisioned as ‘*a temporary and extraordinary measure which [was] necessary to end the human suffering and restore public order*’,⁵² and the human suffering and tensions to which it has ultimately resulted, should, in principle, have also led to its abolition.

On the non-implementation of the EU-Turkey Statement

It has frequently been argued that overcrowding, and thus the resulting problems on the Eastern Aegean islands, including Samos, stem not from the Statement, as such, but rather from the way in which it has been implemented by the Greek Administration. Namely, that despite the undoubtedly diminished number of arrivals, the Greek state has failed to quickly process and return –let alone “swiftly”– those not eligible for international protection (i.e. “economic migrants”) to Turkey.⁵³

⁴⁹ Human Rights Watch, *Déjà vu on the Greek-Turkey Border*, 20 December 2018, available at: <https://www.hrw.org/news/2018/12/20/deja-vu-greek-turkey-border>.

⁵⁰ The GAS Director is, as per article 41 (δ,γγ.) of L. 4375/2016, competent for deciding on introducing a limitation of freedom on the movement of asylum seekers, which is to be displayed on their respective asylum seeker cards.

⁵¹ Indicatively, as per article 8 (γ) of the latest (3rd) relevant decision, the imposition of the geographical restriction on the freedom of movement of newcomers is justified on the basis of the necessity “*to implement the 18-3-2016 Joint EU-Turkey Statement*”, while also referring (article 7) to up to date practice, based on which Turkey does not accept back asylum seekers whose applications have been rejected, if the latter are not on the islands (i.e. transferred to mainland Greece). See <https://bit.ly/2QDDmkn>.

⁵² European Council (press release), *EU-Turkey statement, 18 March 2016*, available at: <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>.

⁵³ Indicatively, European Commission, *EU-Turkey Statement: 2 years on*, April 2018, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_eu-turkey-two-years-on_en.pdf; Kathimerini, *Refugee situation in Samos worse than Moria, says top EU official*, 2 December 2018, available at: <http://www.ekathimerini.com/235274/article/ekathimerini/news/refugee-situation-in-samos-worse-than-moria-says-top-eu-official> and Kathimerini, “Berlin: the Hot spots contributed significantly to

Though slow processing times, especially with respect to asylum procedures and/or the medical and psychosocial screening of newcomers have been undoubtedly responsible for conditions of congestion in the island RICs (vulnerable asylum seekers are excluded from the island-based restriction), and consequently for the further exposure of already traumatised persons to a series of factors that detrimentally affect their health, sanity and safety,⁵⁴ this is only partially accurate.

To start with, and without undermining the Greek State's responsibility and accountability for failing to duly implement its obligations under national, EU and international law, there are limits to the expediency with which asylum applications can be examined. Already the timeframes of the "fast-track border procedure", which – though *exceptionally* introduced in 2016⁵⁵ – has been used for the purposes of examining 1st and 2nd instance (i.e. appeals) asylum applications on the islands and for implementing the Statement, have raised multiple concerns as to the (truncated) asylum procedure's fairness.⁵⁶ These have inter alia related to the expedited timeframes detrimentally impacting on the level of procedural safeguards guaranteed to asylum seekers,⁵⁷ including on their right to an effective remedy,⁵⁸ or the examination focusing on the admissibility rather than the merits of an (asylum) application.⁵⁹ All of these, in turn, are factors that increase the risks of returning asylum seekers to countries where they are unsafe, thus risking a violation of the principle of *non-refoulement*.⁶⁰ It should

improving the management of migration in Greece" [«Βερολίνο: Τα hot spots συνέβαλαν σημαντικά στη βελτίωση της διαχείρισης της μετανάστευσης στην Ελλάδα»], 3 January 2019, available at: <https://bit.ly/2Ct3wx0>

⁵⁴ Indicatively, see MSF, *Samos: Dangers for the deterioration of the state of health of asylum seekers* [Σάμος: Κίνδυνοι για την επιδείνωση της υγείας των αιτούντων άσυλο], 19 September 2017, available (in Greek) at: <https://msf.gr/magazine/samos-kindynoi-gia-tin-epideinosis-tis-ygeias-ton-aitoynton-asylo> and MSF, *Overcrowded, dangerous and insufficient access to healthcare in Moria*, 4 May 2018, available at: <https://www.msf.org/greece-overcrowded-dangerous-and-insufficient-access-healthcare-moria>.

⁵⁵ By means of article 60(4) of Law 4375/2016.

⁵⁶ An issue also seemingly raised by the previous Director of the Greek Asylum Service, whom in the period after the Statement's implementation and immediately preceding the publication of L. 4375/2016, had crucially stated that: "*Insufferable pressure is being put on us to reduce our standards and minimise the guarantees of the asylum process... to change our laws, to change our standards to the lowest possible under the EU [Asylum Procedures] directive.*" See John Psaropoulos, "Greek asylum system reaches breaking point", *The New Humanitarian*, 31 March 2016, available at: <https://www.irinnews.org/news/2016/03/31/greek-asylum-system-reaches-breaking-point>.

⁵⁷ See OHCHR, *UN Special Rapporteur on the human rights of migrants concludes his follow up country visit to Greece*, 16 May 2016, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19972&LangID=E#sthash.U%20tAn6Vjd.dpuf>.

⁵⁸ Indicatively, see European Court of Human Rights, *I.M. v France*, Application No 9152/09, 2/5/2012, available at: <https://www.asylumlawdatabase.eu/en/content/ecthr-im-v-france-application-no-915209-0>; *Jabari v. Turkey*, Application No. 40035/98, 11/7/2000, par. 40, available at: <https://www.asylumlawdatabase.eu/en/content/ecthr-jabari-v-turkey-application-no-4003598-11-july-2000>

⁵⁹ For more see AIDA, *Country Report Greece (2017 update)*, March 2018, pp.66-74, available at: <https://www.asylumineurope.org/reports/country/greece>

⁶⁰ Indicatively, see UN Committee against Torture (CAT), *Conclusions and Recommendations, Finland*, 21 June 2005, CAT/C/CR/34/FIN, available at: <http://www.refworld.org/docid/42cd73424.html>, p.3; *Consideration of reports submitted by States parties under article 19 of the Convention - Finland*, 29 June 2011, CAT/C/FIN/CO/5-6, available at: <http://www.refworld.org/docid/4ef048ff2.html>, p.3;

therefore be reminded that the act of focusing on slow-processing times with an exclusive view to enhancing the rate of returns and readmissions, both underestimates and undermines the complexity of the asylum procedure, while ultimately risking to (re)expose asylum seekers to danger and/or the forms of inhumane and degrading treatment, which they tried to escape from in the first place.

Secondly, the same view overlooks and/or undermines the impact that the ongoing levels of understaffing have had with respect to the delays exhibited in relevant procedures on the islands. In the case of Samos, for instance, as we were informed during our meeting with the representative of the Regional Asylum Office (RAO),⁶¹ it was estimated that the Asylum Service would have needed more than double the staff –and an expanded facility to place it– in order to be able to cope with the level of needs in a relatively timely manner. Instead, with shortages remaining unresolved, by the end of 2018 the timeframes for the completion of the 1st instance asylum procedure had been increasingly pushed towards the future, reaching up to **15 months** between the time of registration of an (asylum) application and the interview,⁶² and **up to an additional year** for the finalization of 2nd instance procedures,⁶³ for those appealing against negative first instance decisions.

Yet understaffing, which largely remains characteristic of all public services, is inter alia also attributable to the type of international dynamics, –namely austerity measures even in the “post-bailout” period– which have impacted the State’s ability to adequately staff its services with both temporary and primarily permanent staff.⁶⁴ Greece, namely, is still subject to a limitation cap with respect to the number of public sector employees it can have at any given moment,⁶⁵ with aspects of this having been also acknowledged by the Commissioner for Human Rights of the Council of Europe, who recently observed that *‘large-scale austerity measures have [...] crippled the health-care*

Consideration of reports submitted by States parties under article 19 of the Convention - France, 20 May 2010, CAT/C/FRA/CO/4–6, available at: <https://bit.ly/2FOq3q2>, pp.3-4; *Concluding observations on the combined 5th and 6th periodic reports of the Netherlands, adopted by the Committee at its 50th session (6-31 May 2013)*, Committee Against Torture, 20 June 2013, CAT/C/NLD/CO/5-6, available at: <https://www.refworld.org/docid/51dff1c84.html>, p.4; *Consideration of reports submitted by States parties under article 19 of the Convention - the Netherlands*, 3 August 2007, CAT/C/NET/CO/4, available at: <https://bit.ly/2OAcRrw>, p.3; UN Human Rights Committee (HRC), *Concluding observations of the Human Rights Committee : Netherlands*, 25 August 2009, CCPR/C/NLD/CO/4, available at <https://www.refworld.org/docid/4aa7aa642.html>, p.3 and CJEU - C-175/11 HID and BA v Refugee Applications Commissioner and Others, 31/1/2013, par. 75, available at: <http://curia.europa.eu/juris/document/document.jsf?docid=133247&doclang=EN>.

⁶¹ Information provided by the Samos RAO during our meeting on 13.11.18.

⁶² Based on GCR field team observations in Samos in December 2018.

⁶³ Information provided by the Samos RAO during our meeting on 13.11.18

⁶⁴ Indicatively, the public healthcare sector is reportedly functioning with a deficiency of some 6,500 permanent medical staff. See Report of the Commissioner for Human Rights of the Council of Europe Dunja Mijatović following her visit to Greece from 25 to 29 June 2018, p. 19, available at <https://rm.coe.int/report-on-the-visit-to-greece-from-25-to-29-june-2018-by-dunja-mijatov/16808ea5bd>

⁶⁵ For more, see European Commission, Enhanced Surveillance Report: Greece, November 2018, pp.61-62 and 64-65 available at https://ec.europa.eu/info/sites/info/files/economy-finance/ip090_en.pdf and Eurofound, *Greece: Reducing the number of public servants – latest developments*, 23 June 2016, available at: <https://www.eurofound.europa.eu/el/publications/article/2016/greece-reducing-the-number-of-public-servants-latest-developments>

system's capacity to respond to the medical needs of the general population [...]'.⁶⁶ This "population", of course, also includes refugees and asylum seekers whom, aside from having limited and at times no access to healthcare services, also have to cope with the shortages inter alia characteristic of the Greek Asylum Service (GAS) and KEELPNO –the state actor responsible for both the provision of healthcare in the RICs and for conducting medical and psychosocial screenings and assessments; shortages, that is, which are instrumental in the delays observed on most aspects of island-based procedures, thus also contributing to prolonging the entrapment of asylum seekers there.⁶⁷

Lastly, this seemingly dominant view overlooks the relative incompatibility between the Statement's aims and the complicated reality to which it was applied. The Statement, specifically, was and remains a non-legally binding agreement between Heads of States or governments of the EU and Turkey, announced for the purposes of legitimizing the returns of '[m]igrants not applying for asylum or whose application ha[ve] been found unfounded or inadmissible [...]' back to Turkey.⁶⁸

With respect to the latter ("inadmissible decisions"), it suffices to note the very low number of inadmissibility decisions that have been issued by the GAS in the post-Statement era, based on the third safe country clause. Namely, between 2016 and 2018, the number of such decisions has been steadily declining, from 4.85% of the total number of decision issued in 2016, to 1.76% in 2017 and 0.86% in 2018.⁶⁹

Yet, more importantly, from the start of the ongoing political crisis back in the summer of 2015, the majority of those arriving "irregularly" at Greece's sea (and land) borders have been either prima facie refugees (e.g. Syrians) or more broadly persons fleeing well-known environments of war, conflict and persecution (e.g. Afghanistan, Iraq), 'with many', as noted,⁷⁰ 'likely to be in need of international protection'.

"We are not here because we are hungry...we have problems in our countries...that is why we are here."⁷¹

It is indicative, for instance, that out of an estimated total of 235,668 *sea-based* arrivals in Greece between 2016 and 2018, the vast majority (204,415 or roughly **86.7%**), consisted of asylum seekers primarily originating from countries that have consistently

⁶⁶ Report of the Commissioner for Human Rights of the Council of Europe Dunja Mijatović following her visit to Greece from 25 to 29 June 2018, p. 18, available at <https://rm.coe.int/report-on-the-visit-to-greece-from-25-to-29-june-2018-by-dunja-mijatov/16808ea5bd>

⁶⁷ Indicatively, see Kathimerini, "Shortage of doctors delaying refugee transfers to mainland", 18 January 2019, available at: <http://www.ekathimerini.com/236416/article/ekathimerini/news/shortage-of-doctors-delaying-refugee-transfers-to-mainland>

⁶⁸ European Council (press release), *EU-Turkey statement, 18 March 2016*, available at: <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>.

⁶⁹ As per the relevant statistics provided by the Greek Asylum Service (GAS). The last update up to 28 February 2019 can be found at the following link: http://asylo.gov.gr/wp-content/uploads/2019/03/Greek_Asylum_Service_Statistical_Data_GR.pdf.

⁷⁰ UNHCR, *Desperate Journeys: Refugees and Migrants arriving in Europe and at Europe's borders (January-December 2018)*, January 2019, p.9, available at: <https://data2.unhcr.org/en/documents/download/67712>

⁷¹ Interview-discussion with group of 8 asylum seekers from sub-Saharan African countries on 13.11.18.

exhibited both the highest refugee status recognition rates in Greece,⁷² and/or are included in UNHCR’s last available (2017) list of top “refugee-producing” countries.⁷³ These include nationals of Syria, Afghanistan, Iraq, Iran, Palestine, stateless asylum seekers, as well as asylum seekers from the Democratic Republic of Congo (DRC), for which, however, refugee recognition rates are not provided.

Year (estimated total sea arrivals)	Top 3 Nationalities of sea arrivals	Estimated Number of sea arrivals	Approx. % of total	Known recognition rates (as of February 2019)
2016 (173,450)	Syria	80,749	46.6%	99.6%
	Afghanistan	41,825	24.1%	71.3%
	Iraq	26,138	15%	69.0%
2017 (29,718)	Syria	12,300	41.4%	99.6%
	Iraq	5,800	19.5%	69.0%
	Afghanistan	3,400	11.4%	71.3%
2018 (32,500)	Afghanistan	9,000	27.7%	71.3%
	Syria	7,900	24.3%	99.6%
	Iraq	5,900	18.2%	69.0%

Source: Greek Asylum Service (GAS) and UNHCR.⁷⁴

It becomes evident thus that, for the statistical purposes ultimately underlying the Statement’s implementation (e.g. diminishing the number of arrivals and speeding-up returns), even to this day irregular migration to Greece has kept consisting of, primarily, “refugee-profile” populations, with high chances to be in need of international protection. And though the refugee determination procedure remains –and rightly so– a process to be fulfilled on a case-by-case basis without prejudice towards beneficiaries’ nationalities, this further serves to question not only the Statement’s applicability in the case of Greece, but also its ultimate relevance.

⁷² As per the relevant statistics provided by the Greek Asylum Service (GAS). The last update up to 28 February 2019 can be found at the following link: http://asylo.gov.gr/wp-content/uploads/2019/03/Greek_Asylum_Service_Statistical_Data_GR.pdf

⁷³ UNHCR, *Global Trends: Forced Displacement in 2017*, 25 June 2018, pp. 14-15, available at: <https://www.unhcr.org/5b27be547.pdf>

⁷⁴ For an extended breakdown see ANNEX I. For the data for 2016, 2017 and 2018, see UNHCR, *Refugees & Migrants Sea Arrivals in Europe: Monthly Data Update, (December 2016)*, 31 December 2016, p.4, available at: <https://data2.unhcr.org/ar/documents/download/53447>, UNHCR, *Refugees & Migrants Arrivals to Europe in 2017 (January-December 2017)*, 31 December 2017, available at: <https://data2.unhcr.org/es/documents/download/62023> and UNHCR, *Desperate Journeys: Refugees and Migrants arriving in Europe and at Europe’s borders (January-December 2018)*, January 2019, p.8, available at: <https://data2.unhcr.org/en/documents/download/67712>, respectively.

Recommendations

As briefly illustrated by the case of Samos, three years on, following the implementation of the EU-Turkey Statement, the situation for asylum seekers on the Greek islands remains largely the same, proving for yet another time not only the Statement's human and human rights costs, but also the impasses and ultimately contradictions created in its aftermath. In this context and with a view to re-positioning human rights at the forefront of the agenda, Greece, with the support of EU member states, should consider and ultimately move forward with implementing the following non-exhaustive list of recommendations:

1. Reconsider the “benefits” of the EU-Turkey Statement and immediately cease the imposition of a geographical restriction to the freedom of movement of asylum seekers on the eastern Aegean islands. Asylum seekers should be quickly registered and transferred to the Greek mainland, so as to avoid the ongoing vicious circle of despair and suffering.
2. Reconsider the safe-third country clause, which by distinguishing between admissible and inadmissible asylum applications inserts a flawed interpretation of the Geneva Convention, ultimately diverting the responsibility to protect persons in need of international protection while further consolidating a practice of responsibility-denial.
3. Create appropriate and effective, safe legal channels for asylum seekers to reach the EU. The current system of voluntary relocations, though commendable in spirit, is nowhere near sufficient, nor does it rescind the legal and moral obligation to respect international, EU and national human rights law.
4. As part of ongoing discussions on the Common European Asylum System (CEAS), the Dublin Regulation should be reconsidered so as to allow for the possibility for sharing, rather than outsourcing responsibilities at the fringes of the EU (or beyond). This is the only way forward towards a truly common system that would not expect from a few countries to fulfill the human rights responsibilities of a continent.
5. Drastically improve conditions at the RICs, by primarily ensuring the timely registration of newcomers and their subsequent transfer to appropriate accommodation in the mainland, where asylum seekers will be able to live in humane and decent conditions for as long as their asylum applications are examined. To the extent possible, accommodation should be provided in suitable spaces (e.g. apartments) within residential areas, so as to also facilitate applicants' first steps towards integration.
6. Towards this aim, the capacity of the RIS and all island-based Services should also be properly staffed, so as to facilitate the timely processing of arrivals.
7. Take all necessary steps to speed-up the asylum procedures, while ensuring that all asylum seekers have access to proper information and legal support, both during registration and prior to their interview.

ANNEX I

Year (estimated total sea arrivals)	Most common Nationalities of sea arrivals	Estimated Number of sea arrivals	Approx. % of total	Known recognition rates (as of February 2019)
2016 (173,450)	Syria	80,749	46.6%	99.6%
	Afghanistan	41,825	24.1%	71.3%
	Iraq	26,138	15%	69.0%
	Pakistan	8,793	5%	2.4%
	Iran	5,203	3%	60.1%
	Other	10,407	6%	-
2017 (29,718)	Syria	12,300	41.4%	99.6%
	Iraq	5,800	19.5%	69.0%
	Afghanistan	3,400	11.4%	71.3%
	DRC	900	3%	Not provided
	Algeria	800	2.7%	3.6%
	Palestine	700	2.4%	97.1%
	Iran	700	2.4%	60.1%
	Stateless	500	1.7%	89.9%
	Cameroon	500	1.7%	Not provided
	Pakistan	500	1.7%	2.4%
	Kuwait	400	1.3%	Not provided
Morocco	300	1%	13.4%	
2018 (32,500)	Afghanistan	9,000	27.7%	71.3%
	Syria	7,900	24.3%	99.6%
	Iraq	5,900	18.2%	69.0%
	DRC	1,800	5.5%	Not provided
	Palestine	1,600	4.9%	97.1%

Source: Greek Asylum Service (GAS) and UNHCR.