

Integration Center for Migrant Workers-Ecumenical Refugee Program

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Mapping mixed migration flows in Mediterranean, the case of Greece

The phenomenon of maritime migration is not a new one. However over the last 3 years the number of people who have tried to reach the coasts of Europe through perilous smuggling ways across the Mediterranean **risking death** has substantially increased. Migrants and refugees in mixed migration flows try to escape war, human rights violations and extremely poverty and risk their lives in order to seek international protection or a better future in Europe. Only during the year 2014, 221.000 people crossed the Mediterranean Sea and have disembarked in the South of Europe. At the same time and as a result of the dangerous sea crossings, 3.500 people claimed their life during shipwrecks or other tragic incidents in the Mediterranean. Thousands of others are missing.

Arrivals by sea from Turkey to Greek shores.

Greece is managing an important part of the external land and sea borders of the European Union (EU) and the Schengen area. It is a main entry gate to the EU for both migrants and refugees, many of whom cross the Greek-Turkish land borders at the river Evros and the sea borders (islands of North Eastern Aegean Sea and the Dodecanese islands). Until 2012, the main land route into Greece and therefore into the European Union (EU) was indeed across the Evros River from Turkey. In 2012, however, the number of migrants and asylum-seekers arriving through that route reduced significantly while summer arrivals by sea increased significantly. By November 2012, a 12 km fence was constructed along the part of the Greek Turkish border where the highest numbers of entries had been recorded ((see, Amnesty International, December 2012, **GREECE THE END OF THE ROAD FOR REFUGEES, ASYLUM-SEEKERS AND MIGRANTS**).

As UNHCR states in the recent country report on Greece, *“since 2010, border control measures have been significantly tightened in Greece, in part due to efforts by the EC to ensure that the country’s border control measures were carried out in full compliance with the Schengen Agreements. To that end FRONTEX increased its operational support to Greece within the framework of Poseidon Land and Poseidon Sea Joint Operations in 2010,5 contributing personnel, equipment, technical and operational expertise to the*

authorities whose primary task is border control, namely the police and the Hellenic Coast Guard” (see, UNHCR Observations on the Current Situation of Asylum in Greece, UNHCR, December 2014, p.6-7).

The intensification of control measures at the Greek-Turkish land borders and the construction of the fence across the Evros river in Orestiada have resulted in a shift from land crossings to sea borders in the North and South-Eastern Aegean Sea. Lesbos and Samos received approximately 45 per cent of new arrivals in the first nine months of 2014. 50 per cent of all the new arrivals disembarked in Chios and the Dodecanese islands. In fact, in 2014 the number of persons that have entered Greece through sea passages was 43.500, number which represented an increase of 280% in comparison to 2013. The largest group (60%) were Syrians following by other large groups included nationals from Afghanistan, Somalia and Eritrea. Among them were many families with small children, and unaccompanied minors.

According to FRA, these migrants used the services of smugglers’ networks with connections from migrants’ countries of origin to destination countries. The price for the illegal sea transportation from the Turkish coasts to the Greek Islands varied from EUR 1 500 to EUR 2 500. In fact, smugglers used a wide range of transportation means: for instance, inflatable boats, speed boats, plastic boats, yachts, jet skis and even cargo ships. Concerning the modus operandi used to reach islands close to the Turkish shore, for example, Samos, Lesbos and Chios, it became more common that smugglers’ networks used inflatable boats without skippers on board. Due to the fact that the Greek penal sanctions against migrant smuggling is very severe, smugglers instructed migrants on how to steer the boat and gave them directions how to reach the Greek Island. If the Hellenic Coast Guard detects them, they should destroy the boat in order to be rescued and transferred to the Greek shore. In the Dodecanese islands (Rhodes, Kos, Patmos, etc), smugglers transported migrants on boats and yachts close to islands, where they were disembarked a short distance from tourist areas and instructed them to swim and pretend to be tourists. The modus operandi was hard to detect, as the touristic areas were not intensely patrolled and migrants could easily mingle with other people.

Death toll in the Aegean Sea, allegations for push backs, Farmakonissi refugee tragedy

The dangerous journeys under these criminal networks in the Eastern Mediterranean, has caused numerous shipwrecks and other tragic incidents. According to official Coast Guard’s data, until August 2014, 47 persons have perished at sea and 26 persons have been officially declared missing. UNHCR estimates that the actual number of people that perished must be higher, since the numbers provided to the Greek authorities is to be added to the number of migrants that have been drowned at the Turkish side of the borders. Victims were mainly from Syria, Afghanistan and Somalia.

Significant number of new arrivals are detected and rescued by the Hellenic Coast Guard. Until July 2014 the Hellenic Coast Guard implemented a total of 218 search and rescue operations (6.421 persons rescued) in comparison a total of 110 rescue incidents in 2013 (2511 persons rescued).

Nevertheless, UNHCR received testimonies of rescued migrants of shipwrecks of alleged «push-backs» at sea borders with Turkey. These informal returns were conducted by Greek Coast Guards on Greek territorial waters. UNHCR speaks of «push-back» or informal returns at both land and sea borders. From August 2013 to the end of September 2014, UNHCR recorded testimonies by third country nationals referring to 152 alleged incidents, who described in a credible manner that they were forced back to Turkey by Greek authorities. These informal returns / “push-backs” are occurring at both the Greek-Turkish land and sea borders. Those testifying reported that these informal forced returns were conducted on Greek soil by Greek law enforcement officials. According to the reports, these individuals were summarily returned to Turkey without being formally registered, as required by Greek law and with no assessment of their international protection needs. One of these push backs, occurred in December 2014 in the Evros area (6 Syrian national including a minor of 4 years old) has been reported to UNHCR by KSPM-ERP according a case that was handled by the ERP legal service.

The incident that gained the greater publicity is the «Farmakonissi» incident, where in January 2014, 11 persons from Syria and Afghanistan (3 women and 8 children) lost their lives. According to the analysis of PRO ASYL regarding the death of the eleven refugees based on their testimonies “ *during the early hours of 20 January 2014, three women and eight children from Afghanistan died off the coast of the Greek island Farmakonissi. A fishing boat carrying 27 refugees from Afghanistan and Syria sank while being towed by the Greek Coast Guard. The survivors accuse the Greek Coast Guard of towing them at full speed towards Turkey although the sea was rough and stormy. The Coast Guard claims that the boat was pulled slowly towards Farmakonissi. The refugees describe an illegal push-back operation, Greek authorities claim that they attempted a rescue at sea operation. Members of the Coast Guard also state that this deadly mission took place within the framework of the Frontex operation Poseidon. Until today, Frontex denies any responsibility for the death of these eleven refugees and for human rights violations in the Aegean Sea*”. The case has been investigated by the public prosecutor and was filed. On 20 January 2015, a Greek lawyer’s team together with other Greek NGO, on behalf the survivors, has made an appeal to the European Court of Human Rights concerning infractions of the European Convention of Human Rights. In February 2015 a Greek penal Court condemned a survivor, a young refugee from Syria, for being the smuggler and brought him to imprisonment for almost 3 decades!

Pro Asyl states that five of the survivors had relatives to Germany. After months of negotiations, they were able to legally travel to Hamburg and Berlin on 21/22 November 2014. **Humanitarian visa which would enable them to safely get to their relatives in other European countries, were not granted to another ten survivors.** Just like any other protection seeker in Greece, they were forced to leave the country on irregular, perilous routes.

Humanitarian crisis in the Eastern Aegean islands

The management of arrivals to the Aegean islands assumed during 2014 characteristics of a humanitarian crisis (see, UNHCR Press Release, 8 /10/2014 *UNHCR urges for a Contingency Plan for the Management of refugee arrivals in the Aegean*).

Migration and asylum Law 3907/2011, foresees that First Reception Service (FRS) should process new arrivals, provide accommodation pending the screening procedure (closed structures) make assessment of needs, and provide assistance. Sufficient first reception facilities have not yet been created by the *First Reception Service (FRS)* due to the austerity policies under the Memorandum; The FRS maintains at present only one facility in Fylakio-Orestiada (Evros area in Northern Greece). Two FRS **mobile units** understaffed* are operational on the islands of Lesbos and Samos** inside the police detention/identification centers (* inside these centers, UNHCR provides orientation to newcomers and legal information along with interpretation services by *METAdrasis* ; the NGO *MEDIN και the Doctors of the World* offer medical services in the context of the operation of FRC Mobile Unit in Samos and Lesbos).

****The detention centres in Chios (Mersinidi) and in Samos became again operational during the spring 2013 after being closed down for more than 2 years (2010-2012). In October 2013 a new detention facility, not yet a first reception centre, has been built in the location Moria outside Mytilene.**

As a consequence of limited capacity to receive new arrivals, the majority does not benefit from reception services as foreseen by legislation and they are not properly screened (very often unaccompanied minors are registered as adults and are transferred to detention centers in Korinthos or in Amygdaleza. Wrong age assessment may hinder the family reunification with the family members through the Dublin procedure). Until the procedures of first reception are completed, the new comers remain under provisional conditions (school or church yards athletic facilities (police stations, port authorities buildings and so on) being deprived of goods of first need, of medical services, medication and provision of information about their rights and obligations. Moreover the local authorities do not proceed in locating vulnerable cases. Frequently the unaccompanied children remain at the facilities of the police stations at the entry point, instead of being referred to open reception centers. Migrants are detained in “screening centers” (Samos, Lesbos, Chios) or in police stations. These premises are regularly overcrowded and do not meet the required standards with no regular separation of women, children or single men when overcrowded.

Access to the asylum procedure at the borders (see, *UNHCR Observations on the Current Situation of Asylum in Greece*, UNHCR, December 2014, p. 16)

Considering the lack of reception facilities at the entry points, lack of accommodation facilities for asylum seekers, including vulnerable groups, difficulties to lodge and process an asylum application at the entry points, a prolonged detention period for asylum seekers pending the decision, and absence of integration measures in the context of the economic crisis in Greece, **a high number of persons in need of**

international protection desire to move further to other EU countries to apply for asylum. Given the fact that the majority of the newcomers in the islands originate from war zone countries, it is very significant to stress the very restricted number of regional Asylum Offices on the islands.

In fact, new arrivals at the islands of the North-Eastern Aegean Sea are referred by the First Reception Mobile Unit or police on the island of Lesbos to the Regional Asylum Office (RAO) of Lesbos which operates within the “identification centre” run by the police. This RAO also covers Chios through teleconferencing; however, so far only four applications for international protection were filed in 2014 from there. Those who apply for international protection in Samos are transferred as detainees to Athens for the registration of their application. As the process encounters practical difficulties and transfer entails delays, practically no applications for international protection were submitted in Samos, even though Samos has received a significant number of arrivals in 2014. New arrivals at the islands of the South-Eastern Aegean Sea, who want to seek international protection can do so with the police, after which they are transferred to the island of Rhodes **and remain in detention** at least until the Asylum Service issues a recommendation on whether the detention period should be extended or the person should be released. In practice, the number of applications by new arrivals registered by the RAO of Rhodes is very low. As the **large majority of new arrivals in the Dodecanese islands in 2014 were Syrians (91.5 per cent)**, they were released with an order for a 6-month suspension of deportation. Other nationalities did not receive such a suspension of deportation but instead received a 7 to 30 day notice to leave the country. In some cases, they are transferred to other pre removal centers where until recently could stay up to 18 months (asylum seekers) or until the issuance of the final decision on their asylum application.

Another factor contributing to the low number of applications for international protection in these areas is the fact that many individuals prefer to present themselves to the RAO in Athens instead, a destination that continues to receive the majority of persons in need of international protection. This concerns mainly persons who, as per current practices, are released from detention in the border regions, because they originate from countries to which no returns take place, like Syria, Somalia and Eritrea, or because they are families or otherwise considered vulnerable.

The situation of Syrian nationals

The situation for Syrian nationals is more favorable. In practice, Syrians are released more quickly and allowed six months in Greece. Under a police circular (April 2013) undocumented Syrian citizens who arrive in Greece due to the civil war crisis are released after being detained for screening and identification purposes with an official notice to leave the country within the next 6 months. After the first 6 month period granted to Syrian nationals to stay in Greece under certain conditions, has expired, the police has not foreseen the way this permission could be renewable. The same applies to Palestinians coming from Syria and families with children, depending on their place of arrival. The great majority of Syrians choose to leave

Greece irregularly to join their family members in another EU country or to seek asylum in view also of the high standards of reception facilities and the quality of integration procedures. Last November, the legal service of ERP has processed with a demand from a group of Syrians who entered Greece from the island of Kos (Dodecanese) and found themselves as a final destination in Sweden. The Greek authorities have entered their names through the fingerprints in the SIS (Schengen Information System) and didn't remove the alert from the SIS records although the Swedish authorities have asked them to do so in order to enable the Syrians to be granted asylum status. This happens because, as the Greek authorities explained to our service, because they have thousands of requests for the removal of the alert and they don't the human resources in the Aliens Police Directorate of Dodecanese to proceed.

KSPM-ERP monitoring new arrival cases who found themselves in pre removal centers and family reunification cases (minors)

The Ecumenical Refugee Program was present in the Mytilene detention center in "Pagani" for almost two years from the beginning of 2008 to November 2009 (annual ERF 2007, ERF Emergency Measures 2008 and private funds from German NGO) in order to provide counseling, social support and legal assistance to new comers including unaccompanied minors with interpretation facilities and address the special needs for their protection. In this capacity ERP has advocated and contributed to the establishment of a reception center for UASC in Lesvos and the abolishment of this detention place (Pagani). In October 2009, the project staff including the Head of ERP office denounced the beating of a teenager (UASC) by the police inside the center which took place in front of 40 other refugees, who have signed affidavits. The police have tried to intimidate witnesses into staying silent and the ERP human rights workers. UNHCR has called on the Greek government to close the center. This event was the major cause which has led to the closure of "Pagani" detention center.

From November 2013 until the end of December 2014, the legal staff of the ERP including the Project Director and the two translators has visited more than 150 times, detention sites within the Police Depts. in Attika region, the pre-removal center for adults in Amygdaleza and the detention facility for unaccompanied minors in the same region and the pre removal center in Korinthos. A great number of detainees, including minors are transferred to the pre removal centers from the entry points. The legal staff provides information to detainees about asylum procedure, **family reunification procedure** in the context of Dublin III Regulation, identify vulnerable cases and unaccompanied minors registered as adults, represents cases before the asylum authorities or minors under a Prosecutor's Order etc. In this context, during the last months ERP has submitted objections before the Administrative Court for at least 20 cases (the majority of detainees were released). In April 2014, the President of the Administrative Board of KSPM-ERP, Bishop Athinagoras of Ilion and Axarnon (district area where the pre removal Amygdaleza centre geographically belongs) together with staff members of KSPM-ERP office has visited the detention

centre and the unaccompanied minors facility in the same area. The findings of this visit (detention conditions, lack of medical care and medicines, length of detention, difficulties to register the asylum claim, complaints of detainees etc.) were addressed in written to the Holy Synod for public awareness. Complaints on the situation of unaccompanied minors detained in the pre removal centre of Amygdaleza under false age identifications were submitted to the Greek Ombudsman in July/August 2014 and provoke therefore investigation on the relevant circumstances. ERP communicates very often with police authorities in Paranesti (near to Drama in Northern Greece) as well with the Police Directorate in Alexandroupolis when it comes to ask to contact detainees assisted previously by the legal service, who have been transferred in these pre – removal centres from the border. On the other hand, during the two last years, the legal service has assisted and provided legal representation before the Asylum Service for detainees that were transferred to Athens (Amygdaleza) from the islands (Chios, Samos) under a referral from NGO lawyers or voluntary organisations that work there on the field providing counselling and information.

Conclusions, recommendations

Evaluating the overall situation, it becomes clear that the humanitarian emergencies relating to the arrivals at the Eastern Aegean Sea, the search and rescue operations and the management of migration flows cannot be resolved solely at the national level. **There is a need to work on a more pro-active manner and accept to go beyond the legal/institutional taboos of Europe (Dublin mechanisms, Schengen controls etc.). In order to address the challenges Europe must show solidarity and a sharing of responsibilities .** Policies concerning legal ways for access to Europe for persons in need of international protection should be put in place and improved but at the same time the countries should discuss internal European mechanisms for reallocation, humanitarian or family reunification visas to enable people in need to move to another European state. In any case and given that the value of human lives is non-negotiable, the first priority is to put the emphasis on the operations of search and rescue for those who escape death but are not afraid to risk their lives crossing Mediterranean.

KSPM-ERP team

21/1/2015

