GREECE:
A two-tier refugee system
AT A GLANCE

- Approximately 21,028 people fleeing the conflict in Ukraine have arrived in Greece as of 19 April, of which 5,975 are children. 53 unaccompanied and separated children had arrived in Greece from Ukraine by 2 April.

- Refugees from Ukraine have immediate access to the labour market and medical care and government ministries have announced they will have accommodation and food support as necessary.

- An online pre-registration platform was launched on March 28 to grant one-year temporary protection status to displaced persons from Ukraine.

- The response towards refugees from Ukraine stands in stark contrast to the Greek Government's approach to asylum seekers from other countries, which continues to be defined by obstructions to access to asylum, inadequate reception, and violent pushbacks, in line with a policy of deterrence at the EU's external borders.

- There were multiple further reports of violent pushbacks in Evros, on Greece's land border, including of children and pregnant women. Asylum seekers are detained, mistreated, abandoned on an islet in a river, and left there without access to water, food, medical care, or any means to keep warm in the cold weather.

- In one instance in mid-March, asylum seekers reported the tragic drowning of a 4-year-old child, Ayman Al Saleh, during a pushback operation. The Public Prosecutor ordered a preliminary investigation for possible crimes committed by the Greek authorities.

- In six separate incidents, the Greek government was asked to intervene to rescue those it had allegedly left stranded on islets in Evros following rulings by the European Court of Human Rights.

- Despite the mounting evidence of the existence of a policy of pushbacks, including recent OLAF findings on Frontex's involvement in pushbacks, the Greek National Transparency Authority, the authority appointed by the Government to investigate pushbacks, concluded a three-month investigation stating that there was “no evidence” to substantiate allegations.

- Afghan refugees in Serres Camp in northern Greece are being forced to leave their containers and move to a dilapidated part of the camp, to make space for newly arrived refugees from Ukraine.

- In contrast to applications for temporary protection of Ukrainians, the registration of asylum applications in mainland Greece is completely dysfunctional and almost inaccessible.

- The Greek Council for Refugees, Oxfam and Save the Children call on both the European Union and the Government of Greece to take immediate steps to ensure equitable living conditions, access to protection, and freedom of movement for all individuals seeking protection in Greece, not only Ukrainians. This should include:

  1. Refraining from discriminatory rhetoric and practices that wrongfully distinguish between “real refugees” from Ukraine and other nationalities.

  2. Respecting the international principle of non-refoulement, allowing access to Greek territory for all asylum seekers.

  3. Replacing the current system for registration of asylum applications with an alternative modelled on the online platform established for Ukrainian refugees.

  4. Guaranteeing that there are effective investigations into all the allegations of pushbacks perpetrated by the Greek authorities, as well as Frontex's complicity in such operations.
1. Refugees from Ukraine welcomed in Greece

According to the Ministry of Citizen Protection, as of 19 April, 21,028 persons from Ukraine had arrived in Greece, including 5,975 children. This is more than double the total number of refugee and migrant arrivals to Greece in the whole of 2021 (when 9,157 people arrived) and higher than in 2020 (when 14,785 arrived). Of the recent arrivals, 53 have been registered at the Promahonas border crossing with Bulgaria as unaccompanied or separated children. According to the Special Secretary for the Protection of UAMS Iraklis Moskof, these children are separated from their families and are accompanied by other adults.

Following the activation of the Temporary Protection Directive by the EU and Greece, Greece grants temporary protection status to Ukrainian nationals residing in Ukraine who have been displaced on or after 24 February 2022 and their family members. Additionally, temporary protection status is granted to third-country nationals and stateless persons legally residing in Ukraine as beneficiaries of international protection or equivalent national protection and to their family members displaced from Ukraine on or after 24 February 2022.

The Greek Asylum Service subsequently stated that Ukrainians who had left the country since 26 November 2021 were also included in the temporary protection scheme and were eligible to apply, although this has not been formally announced yet. In practice, there have already been cases of Ukrainians who arrived in Greece in the period between 26 November and 24 February and were granted temporary protection status.

Process of claiming protection

Holders of a Ukrainian biometric passport can enter Greece through all entry points without a visa, while a visa is required for holders of a Ukrainian passport without biometric features (old type), which is issued directly at all entry points. Ukrainian citizens who do not have travel documents may enter only from the Passport Control Department in Promahonas at the Greek-Bulgarian border, where a document by the staff of the Ukrainian Embassy in Greece is issued. All the above allow for a stay of a maximum of 90 days.

According to a Decision of the MoMA on the procedure for issuing Residence Permits to Beneficiaries of Temporary Protection, the procedure of granting temporary protection status started on the 4 of April

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2 As of 2 April 2022. See Παιδιά από την Ουκρανία καταφθάνουν καθημερινά, Kathimerini, 2 April 2022, bit.ly/37bnbEm.
5 Ibid.
6 Information shared in the National Legal Working Group, the Lesvos Legal Sub-Working Group and verified orally by Asylum Service personnel. The EU Commission provided guidance to member states that the Temporary Protection Decree should be applied in the most generous manner.
7 Ministerial Decision 172172/24.03.2022, available at: bit.ly/3KDrEhf
2022 before the Regional Asylum Offices (RAOs) of Athens, Thessaloniki, Western Greece (Patra) and Crete. The pre-registration process and the scheduling of an appointment for the full registration started on the 28 March, through a special online platform of the MoMA. After registration, a one-year temporary protection card is issued with the possibility of automatic extension for 6 months and then for a further 6 months. Also, in case of submission of an asylum application, the temporary protection status will not be revoked.

Access to services

According to MoMA announcements, social security (AMKA) and tax (AFM) numbers are automatically granted to beneficiaries together with the temporary protection status. The ministry also announced Ukrainians will have immediate access to the labour market, medical care, as well as accommodation and food support.

Regarding access to public education for children from Ukraine, enrolment should take place directly at the school in the region where the child resides. The Ministry of Education announced that it has already started the necessary preparations for children who speak the Greek language to attend classes, and those who do not speak Greek there will be provided with special intensive language classes for their integration. Several initiatives were undertaken by the Ministry of Education, including the Ukrainian translation of a guide about the Greek education system, information regarding coronavirus protocols, cooperation with UNICEF and NGOs for the provision of telephones, and live interpretation in Ukrainian.

The Ministry of Migration and Asylum also announced the provision of short-term accommodation until the completion of the administrative process of granting documents, with a possibility of submission of a special request for persons wishing to be accommodated for a longer period. It remains to be seen how these measures will be implemented in practice. Currently, a significant percentage of the Ukrainians who entered Greece reside with relatives and/or friends already living in the country, but it is possible that their private hosting may not be available indefinitely. Concerns therefore arise as to the Government’s ability to adequately respond to accommodation needs.

The Government covers the cost of transportation to one of the RAOs providing temporary protection documents for Ukrainian refugees.

Unaccompanied and separated children

In the case of unaccompanied children arriving from Ukraine, the National Mechanism for the Identification and Protection of Unaccompanied Minors is activated. The Prosecutor for Minors or the Prosecutor of First Instance is immediately informed in order to act as temporary guardian and transfer the child to special emergency accommodation facilities.

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8 Press release, Ξεκίνησε η διαδικασία παροχής προσωρινής προστασίας σε εκτοπισθέντα άτομα από την Ουκρανία, Ministry of Migration and Asylum, 4 April 2022, bit.ly/3KGIufc.
9 Electronic pre-registration platform: available at: bit.ly/3M4i5rY
10 Press Release, Ξεκίνησε η διαδικασία παροχής προσωρινής προστασίας σε εκτοπισθέντα άτομα από την Ουκρανία, Ministry of Migration and Asylum, 4 April 2022, op. cit.
11 Circular no Γ2δ/Γ.Π.οικ.17033 / 22.3.2022 of the Ministry of Health entitled: “Instructions on the access of Ukrainian nationals in the National Health System”, available at: bit.ly/3veMITI. According to a circular of the Ministry of Health, all displaced persons from Ukraine are included in the uninsured-vulnerable social groups and have the right to free access to the public health system.
Anecdotal evidence suggests that, for now, the majority of children arriving from Ukraine are accompanied by relatives, neighbours, or friends if not their parents. However, although Ukrainian consular officials are present at the border and there is coordination between the governments, the process to screen the family statuses of children arriving to prevent trafficking, ensure the child’s security and safeguard their best interest, seems unclear and inadequate according to cases that have come to our knowledge.

**Gaps in protection**

Ukrainians who have been in Greece since before 26 November are not eligible for the temporary protection status and no specific provisions have been made for them. Their only option is to apply for international protection at a time when access to the asylum procedure on the mainland is almost impossible. This process will be especially difficult for Ukrainians in this situation because Ukraine is included in the Greek national list of safe countries of origin, meaning that each Ukrainian who applies for asylum must rebut this assumption and prove that Ukraine cannot be considered as safe for their own individual case. So far, no announcements have been made by the Government regarding any plans to amend this list.

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*Natalia from Ukraine, 21 years old:*

“I arrived in Athens by bus on the 28 of February 2022 together with my mother. We are temporarily accommodated at a friend’s house. If war continues, we would like to find a more permanent place to stay. We need to work, but since we don’t speak Greek, finding a job is almost impossible. I was studying medicine at the University in Ukraine and was in the last years of my studies. If the war continues, I would like to continue my studies in Greece, but I need to speak Greek and be able to understand the medical terminology. Until we are provided with temporary protection documents, we are not able to do many things. For example, I tried to issue social security number (AMKA) to be able to make the 3rd vaccination dose, but I was told to wait three weeks to be granted AMKA. I hope that war ends soon and that I can return to my country”.

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2. A two-tier refugee system emerges in Greece

Pushbacks, obstacles to asylum, and inadequate reception conditions for refugees from other countries

The reception of people fleeing the war in Ukraine and seeking safety in Greece is welcome. Ukrainians, in a new-found European spirit of solidarity, are recognized as people who deserve dignified treatment, can access their human rights, and have their needs met.

Simultaneously, this welcoming policy creates a two-tiered system which stands in stark contrast to the Greek government’s response to other people who have fled war and persecution elsewhere and who are seeking protection in Greece. The last months have seen refugees violently pushed back at Greece’s borders, detained, and housed in substandard and inadequate facilities with limited to no access to the asylum process. Ukrainians fleeing the war are called “real refugees” or “displaced persons.” Asylum seekers from other countries are often described as “illegal immigrants” by the Government. The use of such dehumanising terms creates the false impression that people reaching the Greek borders asking for asylum have no right to enter Greece, and disregards Greece’s obligation under the Refugee Convention for individual examinations of all asylum applications without discrimination.

In other words, the Greek government’s commitment to upholding its obligations for those fleeing Ukraine since February stands highlights its blatant disregard of these obligations for those fleeing other parts of the world.

2.1. Pushbacks at Greece’s borders and lack of accountability

Violent pushbacks in Evros, including reportedly leading to the death of a child by drowning

In mid-March 2022, 30 Syrian asylum seekers, including two pregnant women and seven children, were confined on the islet of Evros’ river for 6 days following an alleged pushback operation by the Greek authorities. During this one-week period, they did not have access to water, food, medical care, or any means to keep warm in the cold weather. GCR and HumanRights360 who had repeatedly appealed to the competent authorities in vain, finally succeeded in issuing interim measures (Rule 39) by the European

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The Court of Human Rights (ECtHR).\textsuperscript{17} Only following this decision by the Court and shortly before the deadline for the Greek State to respond, the local Special Disaster Response Unit (EMAK)’s forces were ordered to rescue the asylum seekers from the islet and transfer them to the local Border Guarding Service and, afterwards, to Evros Fylakio Reception and Identification Center.

The surviving asylum seekers reported that a 4-year-old child, Ayman Al Saleh, tragically drowned during the initial pushback operation.\textsuperscript{18} They state that the police arrested them on the Greek shore of the Evros river, detained them for one day, and handed them over to hooded men, who took them by boat to the islet. During this operation, the four-year-old child lost his balance and fell into the water. None of the hooded men tried to save the child, while one refugee dived into the water but did not succeed in rescuing him.

The Public Prosecutor of Orestiada ordered a preliminary investigation of possible crimes committed by the Greek authorities, such as breach of duty, homicide, failure to provide assistance, and exposure to risk likely to cause harm or death.\textsuperscript{19}

At the end of March, another group of 34 Syrian asylum seekers, including one pregnant woman and six children, were confined on the islet of Evros’ river.\textsuperscript{20} Again, it was only following a decision by the ECtHR’s that the Greek authorities rescued the people and transferred them to the mainland.\textsuperscript{21} According to the people rescued, the authorities had been flying drones over the islet but never interacted with them.\textsuperscript{22} During April further requests for interim measures were filed by GCR for four different groups of Syrians that were confined on islets in the Evros river and the ECtHR intervened in all cases granting interim measures and asking the Greek Government not to remove the groups from Greece and provide them with food, water and adequate medical care.\textsuperscript{23}

It is noteworthy that for the group of 27 Syrians that were rescued on 13 April following the interim measures granted by the ECtHR, criminal proceedings have been filed for illegal entry into the territory, which is in violation of Article 31 of the Refugee Convention.

\textbf{Temporary protection and asylum}

While temporary protection and asylum are two different legal frameworks, the immediate needs of those fleeing war and violence are the same: safe access to territory, dignified reception conditions, registration and access to basic services. The obligations on states to provide these minimum standards apply to all people fleeing war and violence and in need of protection, under international and EU law, regardless of their country of origin or the political interests of the state they seek protection in.

\textsuperscript{17} A Positive Outcome of the case of the 30 Syrian refugees confined on the islet of Evros River, GCR and HumanRights360, 18 March 2022, bit.ly/38H6vFY
\textsuperscript{18} Άιμαν Αλ Σαλέχ, ετών 4: Πέθανε μετά από pushback των ελληνικών αρχών, Το Κουτι της Πανδοράς, 19 March 2022, bit.ly/3u0ZJsq
\textsuperscript{19} Εισαγγελική παρέμβαση για τους εγκαταλελειμμένους Σύρους του Έβρου που διασώθηκαν, Εφσύν, 18 March 2022, available in Greek at bit.ly/3KR7vEw
\textsuperscript{20} 34 πρόσφυγες εγκαταλελειμμένοι σε νησίδα του Έβρου, Εφσύν, 30 March 2022, available in Greek at bit.ly/3FrQio
\textsuperscript{21} Greece Ordered to Rescue 34 Syrians from Evros River, Border Violence Monitoring Network, 5 April 2022, bit.ly/37N5Z7K
\textsuperscript{22} Ibid.
\textsuperscript{23} The interim measures were granted on April 13 for a group of 27 Syrians, April 21 for a group of 39, on April 19 for a group of 46 and on the same date for a group of 37
A new report by Human Rights Watch on pushbacks in the Evros region of Greece described men in black or commando-like uniforms with balaclavas covering their faces piloting the boats pushing people out of Greek waters. Some of those interviewed stated that these men spoke Arabic or South Asian languages and revealed to them that “they were also migrants who were employed by the Greek police with promises of being provided with documents enabling them to travel onward”. The Ministries of Citizen’s Protection and Migration and Asylum responded by questioning the quality of HRW’s report and denying once more the practice of pushbacks, stating that “the reported activities of foreigners at the border, if they are proved to be true, look rather like conflicts and settling of differences among smuggling networks”.

Frontex involvement in pushbacks: EU Anti-Fraud Office report and other developments

On 28 February 2022, the Director-General of the European Union’s Anti-Fraud Office (OLAF) presented the agency’s report on the EU’s Border Coast Guard Agency (Frontex) at a meeting of the European Parliament’s Committee on Budgetary Control (CONT) and Committee on Civil Liberties, Justice and Home Affairs (LIBE). According to the summary of the OLAF report, FRONTEX’s management was aware of human rights violations at Greece’s EU external borders but deliberately avoided reporting them.

Subsequently, on 31 March, the budget for Frontex was withheld on the grounds of the agency’s failure to meet conditions set out in a previous discharge report and OLAF findings regarding misconduct and alleged involvement in illegal pushbacks and human rights abuses in Greece. The majority of the European lawmakers of the CONT voted to postpone the decision on the Frontex accounts’ discharge, a measure to hold EU institutions and agencies to account for human rights abuses at the EU’s external borders.

Furthermore, on 10 March, a Syrian asylum seeker, a survivor of an alleged pushback, lodged a lawsuit before the European Court of Justice against the European Union Border and Coast Guard Agency Frontex for alleged complicity in his pushback by the Greek coastguard on Samos Island between 28-29 April 2020. According to the man’s petition, he arrived on Samos with a group of around 20 asylum seekers, where they were kidnapped, forcibly transferred to an unseaworthy raft, and collectively expelled from Greece. The raft contained no life-vests, water or food, means of navigation or communication, and was abandoned at sea for 17 hours. The lives of those onboard were at immediate risk, as a Greek vessel repeatedly pushed the inflatable dinghy out of Greek territory while a Frontex plane surveilled the incident from above. The pushback survivor is claiming half a million euros in damages from Frontex.

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26 Front-LEX’s legal notice to the EU Commissioner for Home Affairs, Subject: Your Failure to Propose the Management Board of Frontex to Dismiss the Executive Director of Frontex, Fabrice Joël Roger Leggeri, 24 March 2022, https://bit.ly/3E9QPpq
28 EU Lawmakers refuse to sign off Frontex Budget, EU Observer, 1 April 2022, https://euobserver.com/migration/154639
30 Press Release: For the First Time Syrian Refugee who was a Victim of ‘Pushback’ Sues Frontex for Half a Million Euros, Front-LEX, 18 March 2022, bit.ly/3EdJ0iG
An inadequate investigation of pushbacks by the Greek National Transparency Agency

Contrary to the OLAF findings, on 29 March, the Greek National Transparency Authority (NTA) issued a press release announcing that a 3-month investigation into claims that Greek coast guard authorities were involved in illegal pushbacks of asylum seekers had found no evidence to support the allegations.31 The NTA’s investigation was requested32 by the Greek Minister of Migration and Asylum, following the publication of an 8-month investigation by the Lighthouse Reports and nine other European media platforms33, which reported a “system” of illegal forced returns of asylum seekers in Greece and Croatia and the direct involvement of security forces’ special units.

The NTA does not meet the requirements for the establishment of an independent and effective national mechanism for monitoring fundamental rights at the border in Greece, as provided by the UN institutions and the European Network of National Human Rights Institutions (ENNHRI), including not having the required specialization on border and human rights issues.34

The NTA has not published its full report, meaning that its methodology and findings cannot be evaluated.35

First pushback incidents recorded by the GNCHR’s newly established Mechanism

At the beginning of 2022, the Greek National Commission for Human Rights (GNCHR)36, an independent advisory body to the State in matters of human rights protection, set in motion a Mechanism for Recording Incidents of Informal Forced Returns (pushbacks). In mid-April, the first records have been completed. The GNCHR had repeatedly emphasized that the lack of effective monitoring and investigation of alleged pushbacks incidents must be of immediate concern to the Greek State due to serious human rights violations that this involves.37 The newly established Mechanism for recording pushbacks incidents can help address the need to establishing a monitoring and investigation apparatus, particularly in light of GNCHR’s experience in the establishment and operation of the ‘Racist Violence Recording Network (RVRN).38

31 Completion of the investigation in regard with the management of migration flows towards the Greek territory as well as the content of publication concerned with informal forced returns (pushbacks) [in Greek], NTA, 29 March 2022, https://bit.ly/3xx2f5H
34 Ten points to guide the establishment of an independent and effective national border monitoring mechanism in Greece, UNHCR, OHCHR & ENNHRI, 14 September 2021, http://bit.ly/3q9il
35 National Transparency Authority Should Publish the Full Investigation regarding Pushbacks in accordance with the principle of transparency, GCR/Joint Press Release, 7 April 2022, https://bit.ly/3LUfQrm
36 The GNCHR was established by Law 2667/1998 as the independent advisory body to the Greek State in accordance with the UN Paris Principles, adopted by the United Nations (General Assembly Resolution A/RES/48/134, 20.12.1993, “National institutions for the promotion and protection of human rights”) and is the national institution for the protection and promotion of human rights (NHRI) in Greece. For more information, see the GNCHR’s site: https://www.nchr.gr/en/gnchr.html
38 For details, see https://www.nchr.gr/en/racist-violence-recording-network.html
2.2 Non-functioning system for first asylum applications on mainland Greece

While the registration and processing of the applications for temporary protection of Ukrainians is progressing efficiently, the registration of asylum applications on the mainland is completely dysfunctional and almost entirely inaccessible. For example, accessing the Asylum Service through Skype to make an appointment for the registration of an asylum application is an almost impossible task, and the four Regional Asylum Offices (RAOs) responsible for the processing of the temporary protection applications do not have the capacity to accept asylum applications.

More specifically, GCR has been handling cases of people who have been struggling unsuccessfully to make an appointment through Skype before the RAO in Crete for months, while the same RAO is processing 40 applications for temporary protection per day. GCR has made an intervention to the RAO in Crete demanding access to the asylum procedure for an extremely vulnerable person with serious ophthalmological issues that needs to undergo surgery. However, no access has been ensured even for this case, when people without an asylum applicant card do not have access to the healthcare system.

2.3. System to reapply for asylum restarts, but 100 Euro fee means it is out of reach for most refugees

Registrations of second and further subsequent asylum applications finally resumed on 7 February 2022, for the first time since new legislation was passed under which each asylum seeker must pay a fee of 100 euros to submit their applications. This followed a six-month period when persons who wished to reapply for international protection, including people with significant vulnerabilities, remained in limbo.

The first decisions on new applications were issued, but only for the extremely limited number of people that managed to cover the exorbitant fee, often with the help of NGOs. Many of these cases have now been found admissible and their applications are pending a decision on the merits, while at least four Afghan families on Lesvos have already been recognized with refugee status.

This demonstrates clearly that the 100-euro fee that the Greek Government has imposed is an illegal obstacle to accessing the asylum procedure for people that are eligible for international protection.

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39 Anyone wishing to apply for asylum in the Greek mainland has to first make an appointment through Skype, according to a schedule posted on the website of the Asylum Service. See https://bit.ly/3LXUB8e
40 Information provided by Crete RAO personnel during the first week of registration of temporary protection applications.
42 Imposition of a fee of 100 euros for access to asylum from the 2nd and every following subsequent application to applicants for international protection, including minors! GCR, https://bit.ly/3lwd3O
2.4. Refugees wrongly convicted of piloting boats to Greece demand a fair appeal trial before the Mytilene’s Criminal Court

Two young Afghan asylum seekers, Amir Zahiri and Akif Rasuli, who were wrongly convicted and sentenced to 50-years imprisonment for allegedly piloting a migrant boat to Greece, demanded a fair appeal trial before the Criminal Court of Mytilene. Indeed, one of the accused refugees, at the time of his arrest, was on the boat together with his minor child and pregnant wife; he met his newborn child, born in Greece, for the first time inside the courtroom. Both of them have already spent two years in prison, while their trial before Mytilene's Criminal Court of Appeal was postponed for 8 December 2022. There is no way to compensate for these people's lost years of personal and family life. Criminalization of asylum seekers by convicting those who are forced to take the wheel after smugglers abandon the boat has become the norm in Greece in recent years, as part of a deterrence and intimidation strategy.

2.5. Accommodation: Gradual closure of the ESTIA II accommodation project; discrimination in favour of Ukrainian refugees

On 16 April, The Ministry of Migration and Asylum (MoMA) announced that ESTIA II, a project which provided accommodation for vulnerable asylum seekers in private apartments, would limit its capacity from 27,000 to 10,000 places, and will be shut down entirely by the end of the year.

Asylum seekers that were placed in private apartments because of their significant vulnerabilities (such as disabled people, GBV survivors, victims of trafficking, and victims of torture) will likely be transferred to camps, which lack appropriate assistance and support for their particular needs. This breaches Greece’s obligation, under EU law, to provide specific support for the special reception needs of vulnerable persons throughout the asylum procedure. This stands in clear contrast to the Greek government’s announcements of plans to ensure decent living standards for all newly arrived Ukrainians.

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45 MEPs voice fury as Greek judges again postpone refugees’ smuggling appeal, The Guardian, 8 April 2022, bit.ly/378w69D
48 Καμία εστία για τους πρόσφυγες, Efsyn, 23 February 2022, available in Greek at: https://bit.ly/3v2anaY
50 The Ministry of Migration and Asylum has included in its electronic platform a link where Ukrainian citizens can make an application asking for accommodation, named Accommodation Ukraine, available at: https://bit.ly/3jwW20T
There were reports of Afghan asylum seekers in Serres Camp in northern Greece being forced to leave their containers and move to a dilapidated part of the camp, to make space for newly arrived Ukrainians.\textsuperscript{51} It is worth noting the continued operation of the Closed Control Access Centers (CCAC) that have been created on the Eastern Aegean islands, where African, Asian, and Middle Eastern asylum seekers are contained in prison-like conditions.\textsuperscript{52}

### 2.6 Education

An area of continued improvement is access to education for refugee and migrant children. According to the Ministry of Education and UNICEF office in Greece, more than 90% of refugee and migrant children of school age are enrolled during 2021-2022 (35% higher than the last school year) and 75% of them (12,285 children) attend.\textsuperscript{53} There is still a significant dropout rate, mainly in Central Greece. According to UNICEF, the issue of transportation together with the legal status of the families, lack of resources to meet basic needs and the issue of violence in schools are the main reasons for children dropping out of school\textsuperscript{54}.

Of concern, however, is the Greek Government’s plan to close the Elaionas camp one month before the end of the school year, without proposing any solutions for the 300 children of school age residing there. For them, the abrupt change of their place of residence one month before the end of the school year risks disturbing their school attendance, with consequences on their psychosocial health and their development.\textsuperscript{55}

\textsuperscript{51} Greece softens 'tough' migration policy for Ukrainians, France 24, 10 April 2022, \url{https://bit.ly/3jzGERm}
\textsuperscript{52} For further details on the situation and conditions in the CCAC of Samos see, Lesbos Bulletin Update on Lesbos and the Aegean Islands, GCR and Oxfam, 7 March 2022, \url{https://bit.ly/3O8DAd3}
\textsuperscript{53} Press release, Υψηλό ποσοστό-ρεκόρ εγγραφών και φοίτησης παιδιών προσφύγων και μεταναστών στο εκπαιδευτικό σύστημα της Ελλάδας, UNICEF Greece, 4 April 2022, \url{uni.cf/369Ckp9}
\textsuperscript{54} Information provided during a meeting of Child Rights Advocacy Network (CRAN) with Tita Kesari Ernst, UNICEF Education Specialist, 31 March 2022.
\textsuperscript{55} Press Release of 30 civil society organisations, Κλείσιμο του Ελαιώνα: να μην στερηθούν τα παιδιά το σχολείο και οι πρόσφυγες τη στέγη, 31 March 31 2022, \url{bit.ly/3IVPFTk}
RECOMMENDATIONS

The recent weeks have shown that where there is political will, the EU and Member States can work together to provide a humane and effective response to the arrival of refugees seeking protection in the EU. It is now crucial that the EU and Member States uphold their international obligations by ensuring that such a response is guaranteed for all individuals seeking protection in the EU without discrimination, regardless of where they are coming from and irrespective of the EU’s and Member States’ political or security interests.

The European Union and its Member States should:

1. Guarantee procedural safeguards and an individual assessment for each person trying to enter Europe, in line with international and EU law.
2. Insist on the protection of all migrants and refugees against human rights abuses at EU borders.
3. Enforce the international principle of non-refoulement and take responsibility for preventing asylum seekers or refugees from being sent back to face persecution.
4. Guarantee an effective investigation into all the allegations of pushbacks perpetrated by the Greek authorities, as well as Frontex’s complicity in pushback operations in Greece.
5. Publish the Director-General of the European Union’s Anti-Fraud Office (OLAF) report on the EU’s Border Coast Guard Agency (Frontex) in full and without delay.

The Greek Government should:

1. Take immediate steps to ensure equitable living conditions, access to protection, and freedom of movement for all asylum seekers, and not only Ukrainians. This should include:
   - Refraining from discriminatory rhetoric and practice wrongfully distinguishing between “real refugees” from Ukraine and other nationalities.
   - Replacing the current system for registration of asylum applications with an alternative modelled on the online platform established for Ukrainian refugees
   - Abolishing the 100 euro fee for registering second and further subsequent asylum applications, as this severely obstructs access to asylum.
   - Committing to the examination of all asylum applications on the merits
   - Postponing the closure of ESTIA accommodation unless suitable alternative arrangements of the same standard are provided
   - Postponing the closure of Elaionas camp until the end of the school year, and ensure children in the camp are enrolled in new schools in their new residences.
   - Replacing the National Transparency Authority with an effective and truly independent monitoring mechanism for the systematic investigation of reported pushback cases, in consultation with independent authorities and human rights advisory bodies, as well as intergovernmental organisations and civil society.
4. Appendix

Numbers of Unaccompanied and Separated Children; population on Aegean islands

Unaccompanied and separated children

As of 1 April, 2,018 unaccompanied and separated children (UASC) are estimated to be in Greece. Of this number, 90% are boys and 10% are girls, with 7% children below the age of 14 years old. The majority of unaccompanied and separated children in Greece are from Pakistan (26%) and Afghanistan (23%), followed by Syrians (10%). 41% of the children come from other countries.56

Below are the total numbers of accommodation facilities for unaccompanied and separated children (note there is no official data available for relocation hubs and for children in protective custody/detention):

<table>
<thead>
<tr>
<th># of UASC in long-term accommodation (Shelter / SIL)</th>
<th># of UASC in Relocation Hubs</th>
<th># of UASC in Emergency accommodation</th>
<th># of UASC in RICs</th>
<th># of UASC in open temporary accommodation facilities (camps)</th>
<th># of UASC in protective custody/detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,882 (1,619 in Shelters / 263 in SIL)</td>
<td>* No data available</td>
<td>59</td>
<td>60</td>
<td>17</td>
<td>No data available58</td>
</tr>
</tbody>
</table>

Total number of asylum seekers currently in Greece

As of February 2022, Greece is hosting approximately 29,071 asylum seekers according to the more recent official data provided by the Ministry of Migration and Asylum (MoMA), and approximately 913 recognized refugees. Only 9% of the asylum seekers live in the Eastern Aegean Islands and the vast

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56 Situation update: Unaccompanied Children (UAC) in Greece, National Centre for Social Solidarity (E.K.K.A.), 1 April 2022, bit.ly/3xpMQDL
57 National Centre for Social Solidarity (E.K.K.A.), ibid.
58 E.K.K.A.’s statistics of 1 April 2022 do not refer to children in detention.
59 Informative Note A, Ministry of Migration and Asylum, February 2022, bit.ly/3x1Xtv
60 Informative Note B, Ministry of Migration and Asylum, February 2022, bit.ly/3Yinh7
The majority 91% are hosted on the mainland. Total land and sea arrivals in the first two months of 2022 amounted to 939 people, 36% higher than the same period of 2021.

There were further significant drops since the beginning of the year in the refugee and migrant population residing in Reception and Identification Centres (RICs) and Closed Controlled Access Centers (CCACs) in the Eastern Aegean islands, but with an increase in numbers of people on Leros. Unaccompanied children were resident in three of the camps, with the highest number (155) in Lesvos.

<table>
<thead>
<tr>
<th>RIC or CCAC / Capacity in January 2022</th>
<th>Lesvos</th>
<th>Chios</th>
<th>Samos</th>
<th>Leros</th>
<th>Kos</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2022 population</td>
<td>1.900</td>
<td>445</td>
<td>401</td>
<td>29</td>
<td>481</td>
<td>3.256</td>
</tr>
<tr>
<td>April 2022 population in RICs / CCAC</td>
<td>1.410</td>
<td>292</td>
<td>357</td>
<td>114</td>
<td>295</td>
<td>2.468</td>
</tr>
<tr>
<td>April 2022 unaccompanied children</td>
<td>155</td>
<td>13</td>
<td>17</td>
<td>0</td>
<td>0</td>
<td>185</td>
</tr>
</tbody>
</table>

Informative Note A, Ministry of Migration and Asylum, February 2022, op. cit.
Informative Note A, Ministry of Migration and Asylum, February 2022, ibid.
Ministry of Citizen Protection / National Coordination Centre of Border Control, Migration and Asylum (Ε.Σ.Κ.Ε.Σ.Μ.Α.), statistics of 10 April 2022, bit.ly/3mp3kh
Ministry of Citizen Protection / National Coordination Centre of Border Control, Migration and Asylum (Ε.Σ.Κ.Ε.Σ.Μ.Α.), statistics of 1 January 2022, bit.ly/3Oar64X
Ibid.
Ibid.
Ibid.