



Refugee  
Legal  
Support



MOBILE  
INFO TEAM

DnDF | DF | DWKF

NOVEMBER 2023

An error occurred.

*An error occurred.*

*Sorry, the page you are looking for is currently unavailable.  
Please try again later.*

*If you are the system administrator of this resource, then you should check the error log for details.*

*Faithfully yours, nginx.*

An error occurred.

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*Sorry, the page you are looking for is currently unavailable.  
Please try again later.*

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*Faithfully yours, nginx.*

*Faithfully yours, nginx.*

# Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum

Assessing the implementation of reception and identification procedures on mainland Greece



**Mobile Info Team** is a Greece-based organisation that provides advice and assistance throughout all stages of the asylum procedure. We raise awareness and advocate for changes to the asylum system in Greece, and work to end pushbacks as part of the Border Violence Monitoring Network.



**Refugee Legal Support** works in solidarity with people who migrate. We promote and protect people's rights via direct legal casework, outreach, training, production of multilingual information materials and partnerships. We have projects in the UK, Northern France and in Greece, where we provide legal support for people seeking protection.

We are grateful to the lawyers and practitioners who generously gave their time and shared their expertise in interviews. We are especially thankful to Forge for Humanity for sharing extensive quantitative data for this project.

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We are grateful to the 19 people who shared their experiences of navigating the Greek asylum system.

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# CONTENTS

<b>Acknowledgements</b>	<b>2</b>
<b>Acronyms and Terminology</b>	<b>4</b>
<b>Executive Summary</b>	<b>5</b>
<b>Key Findings</b>	<b>7</b>
<b>Introduction</b>	<b>8</b>
<b>Methodology</b>	<b>10</b>
<b>1. Policy and Legal Background</b>	<b>12</b>
A) The introduction of uniform reception and identification procedures on mainland Greece, Crete and Rhodes	12
B) Legal framework: access to the asylum procedure	14
C) Legal framework: timeframe for registration of asylum claims	14
D) Legal framework: the reception and identification procedure	15
E) The legal status of persons who have requested an appointment via the online platform	16
F) Legal assessments of <i>de facto</i> detention within RICs	16
<b>2. Mainland Reception Facilities</b>	<b>18</b>
Malakasa Reception and Identification Centre	18
Diavata Reception and Identification Centre	19
<b>3. Barriers to Accessing the Procedure</b>	<b>20</b>
A) Lack of information on the procedure	20
B) Appointment delays and unavailability	20
C) Inaccessibility of the online platform	22
D) Barriers to accessing the mainland RICs	23
E) Access to the procedure for vulnerable people	24
<b>4. Excluded from Support and Protection</b>	<b>26</b>
A) Denial of material reception conditions and healthcare	26
B) Lack of legal protection	28
<b>5. The Reception and Identification Procedure</b>	<b>30</b>
A) 25-day <i>de facto</i> detention	30
B) Detention of vulnerable applicants	32
C) Vulnerability screenings	32
D) Lack of access to information and legal support within RICs	33
E) Accelerated procedures within RICs	34
F) Lack of access to healthcare and psychosocial support within RICs	36
G) Living conditions in the RICs	37
i) Accommodation	37
ii) Provision of food, drinking water and basic items	39
iii) Access to leisure facilities	40
<b>Conclusions and Recommendations</b>	<b>41</b>
Conclusions	41
Recommendations to the Greek State	42
Recommendations to the European Commission	43

# ACRONYMS AND TERMINOLOGY

BVMN	Border Violence Monitoring Network
CCAC	Closed Control Access Centre
CoE	Council of Europe
CSO	Civil Society Organisation
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECJ	European Court of Justice
EU	European Union
GAS	Greek Asylum Service
GCR	Greek Council for Refugees
IOM	International Organisation for Migration
MIT	Mobile Info Team
MoMA	Ministry of Migration and Asylum
PRDC	Pre-Removal Detention Centre
RIC	Reception and Identification Centre
RIS	Reception and Identification Service
RLS	Refugee Legal Support
RSA	Refugee Support Aegean
UNHCR	United Nations High Commissioner for Refugees

# EXECUTIVE SUMMARY

**Mobile Info Team** (MIT) is a Greece-based organisation that provides assistance throughout all stages of the asylum procedure through online and in-person services that respond to an average of 800 enquiries per month. **Refugee Legal Support** (RLS) works in solidarity with people who migrate in the UK, Northern France and Greece, promoting and protecting people's rights via direct legal casework, outreach, training, production of multilingual information materials and partnerships.

This report examines the impacts of policy changes in 2021 and 2022 which led to a new system for applying for asylum in mainland Greece, Crete and Rhodes, introduced in September 2022. Under the new procedure for applying for international protection, applicants who cannot prove their identity with a document issued by a Greek public authority must undergo reception and identification procedures within one of two screening facilities on the Greek mainland, located close to Athens (Malakasa) and Thessaloniki (Diavata). The screening procedure is mandatory for most people wishing to apply for asylum in Greece, and involves a police interview, medical check, vulnerability assessment and the registration of the asylum claim. During this procedure applicants' movement is restricted to the screening facility, for an initial period of five days which may be extended up to 25 days.

Between May and October 2023, MIT and RLS undertook in-depth interviews with 19 people who applied for asylum in Greece after September 2022. Interviews were conducted with people from Iraq, Syria, Egypt, Pakistan, Afghanistan, Algeria, Mauritania, Iran and Sudan, aged between 21 and 55. 84% of respondents were men and 21% shared their experiences of navigating the asylum procedure with at least one child. This sample included five people with vulnerabilities, including single parents, pregnant women, survivors of torture and people with serious medical conditions. The interviews were conducted in-person in Athens and over the phone. We asked questions about respondents' access to the asylum procedure and the conditions within the screening facilities, including access to information, legal support, and provision of dignified living conditions.

MIT and RLS argue that, 14 months after the establishment of two Reception and Identification Centres (RICs) for screening and registration of asylum claims on the Greek mainland, Crete and Rhodes, access to asylum continues to be highly restricted. After years of mismanagement, structural deficiencies in the Greek asylum system remain, limiting access to international protection and placing people at risk of destitution and detention.

### **Recommendations to the Greek state:**

- End the deprivation of liberty of applicants of international protection for the purpose of reception and identification procedures
- Ensure that all authorities comply with Greek court rulings establishing that people who have booked an appointment at the RICs of Malakasa and Diavata are legally recognised as asylum seekers and accordingly provided with a document attesting to their right to stay on Greek territory and to receive full reception conditions
- Provide the RICs of Malakasa and Diavata with sufficient staff and resources to ensure efficient access to the procedure and at a minimum complete “simple” registration of claims within the legal maximum of three working days
- Ensure that RICs are equipped to offer clean accommodation, regular and free access to basic items including hygiene products, high quality food and facilities that guarantee alignment with the standards required for dignified living and international human rights
- Ensure that people undergoing the reception and identification procedure at Malakasa and Diavata RICs have timely and adequate access to healthcare, including psychosocial support, medication and adequate follow-up treatment
- Ensure that vulnerability assessments are carried out consistently and by qualified professionals with the support of a translator
- Establish a mechanism to flag vulnerabilities prior to entering RICs to ensure that individual needs can be adequately addressed and special reception conditions can be provided to ensure alignment with EU law
- Guarantee that applicants have effective access to information regarding their situation and rights in a language that they understand
- Ensure that a translator is present in all communications between authorities and people on the move in RICs
- Accommodate asylum seekers and refugees in dignified community-based accommodation schemes, which respect their freedom of liberty and from where they can access services and support.

### **Recommendations to the EU Commission:**

- Ensure that Greece aligns its practice and domestic legislation with EU provisions
- Abolish the systematic deprivation of liberty for the purpose of registering applicants of international protection
- Given the failings of the Greek reception and identification procedure, delete Article 5 of the proposed Screening Regulation of the New Pact on Migration and Asylum which suggests a similar system to be rolled out across member states
- In case Article 5 of the proposed Screening Regulation is not deleted, in relation to Article 9(1), ALL third country nationals subject to screening procedures, including those submitted to procedures located within member state territories under Article 5, should undergo a medical examination and vulnerability assessment carried out by a qualified professional to ensure timely and adequate support in view of their physical and mental health
- Guarantee that information provided during the screening procedure, as proposed by Article 8(3) of the proposed Screening Regulation, shall be given in a language which the third country national understands.

# KEY FINDINGS

The new system for registering asylum claims on mainland Greece imposes blanket 25-day *de facto* detention measures on asylum seekers, which limits their ability to access legal support and information to help them understand their rights

**50%** were detained for more than two weeks for registration in a RIC and in one case the respondent was detained for 28 days; lawyers reported people being detained beyond 30 days

**83%** were not adequately informed of their rights in a language they could understand during the *de facto* detention period

**100%** of respondents who underwent accelerated asylum procedures in a RIC reported that they were not able to access legal support prior to their full asylum interview

The new system does not ensure effective access to international protection within the time frames laid out in Greek and EU law, leaving applicants without access to basic services including healthcare, and vulnerable to arbitrary arrest, detention and possible removal from Greece

**69%** reported difficulties navigating the online platform for booking appointments at the mainland RICs

**50%** reported a waiting time of two months or more for their registration appointment; 11% waited for more than 5 months to attend their appointment

**32%** specifically reported fear of apprehension by the police and possible detention while living without documents in Greece

Vulnerable persons are not effectively identified in the new system and the screening process does not ensure that applicants have access to adequate medical and psychosocial support

**71%** who underwent screening without being represented by a lawyer indicated that they did not undergo an adequate vulnerability assessment

**67%** who received medical treatment in a mainland RIC reported being dissatisfied





# INTRODUCTION

This report documents the experiences of asylum seekers in Greece following changes to the asylum system in September 2022. 14 months after the establishment of two Reception and Identification Centres (RICs) for screening and registration of asylum claims on the Greek mainland, Crete and Rhodes, access to asylum continues to be highly restricted. After years of mismanagement, structural deficiencies in the Greek asylum system remain, limiting access to international protection and placing people at risk of destitution and detention.

Under the new procedure for applying for international protection in Greece, applicants who cannot prove their identity and nationality with a document issued by a Greek public authority must undergo reception and identification procedures at one of two RICs on the Greek mainland, located close to Athens (Malakasa) and Thessaloniki (Diavata). Entry to the mainland RICs is regulated via a platform on the website of the Greek Ministry of Migration and Asylum (MoMA) for applicants living independently, whilst in some cases people may be transferred directly to RICs by the authorities from camps or after being apprehended at sea. Once inside, applicants are unable to exit the facility for a maximum of 25 days while they undergo screening consisting of a police interview, medical check, vulnerability assessment, and the registration of an asylum claim for those who wish to apply for international protection.

The introduction of mandatory screening on the mainland represents a significant shift in Greece's asylum policy. While third country nationals arriving in the islands or at the Evros land border have been subject to reception and identification procedures upon entry for several years,<sup>1</sup> the policy changes introduced in 2021 and 2022 leading to the establishment of two new screening centres on the mainland have centralised the asylum procedure in Greece, whereby applicants submitting their first claim must undergo screening and a period of *de facto* detention in one of only two remotely located facilities, solely for the purpose of applying for international protection.

Access to asylum on the Greek mainland has been an endemic problem for many years.<sup>2</sup> Chronic staff shortages, including lack of translators, and dysfunctional management have become the norm. As evidenced by research published by MIT, the previous system for applying for asylum through Skype proved inadequate due to limited availability of translation, barriers relating to applicants' connectivity to the internet, and the burden placed on applicants to apply multiple times to obtain a full registration of their asylum claim, while faced with the risk of being apprehended and detained by the police.<sup>3</sup> The termination of the Skype system left access temporarily suspended<sup>4</sup> for the majority of third country nationals on mainland Greece, Crete and Rhodes between November 2021 and September 2022, leading to people continuing to be forced to remain undocumented for extensive periods of time and facing exploitation, ill health and debilitating fear of being illegally pushed back.<sup>5</sup>



This report shows that, over one year following the establishment of a long-awaited new system for accessing the asylum procedure on the mainland, these same issues persist.

2023 has seen a spike in arrivals to Greece at the same time as drastic cuts to services and provision for asylum seekers and refugees.<sup>6</sup> Already by early November 2023, UNHCR had recorded 38,448 irregular arrivals via Greece's land and sea borders this year,<sup>7</sup> an increase of over 19,000 compared to the whole of 2022. Despite claims by the Greek Minister of Migration<sup>8</sup> that irregular arrivals are reducing or non-existent, this is likely to only represent a fraction of those trying to reach Greece considering the systematic practice of pushbacks from Greece to Turkey.<sup>9</sup> Persistent underfunding of Greece's asylum and reception systems has greatly hindered the ability to ensure effective access to the procedure in times of high arrivals and provide dignified living conditions for all asylum seekers. These critical deficiencies have been highlighted by workers of Greece's Asylum Service<sup>10</sup> and Reception and Identification Service<sup>11</sup> this year, who raised their voices against long-standing under-resourcing and precarious working conditions. In October 2023, the mainland reception system reached capacity, with reports of recognised refugees forced to sleep rough in Athens.<sup>12</sup> In the same month, the provider of interpretation services to all of Greece's asylum procedures released a statement<sup>13</sup> announcing sweeping cuts to its services due to months of non-payment by the MoMA, drastically impacting provision of information and processing of claims on the mainland. The policy developments analysed in this report should be understood in the context of these larger crises within the management of Greece's asylum system.

This report is divided into five chapters. The **Policy and Legal Background** chapter outlines policy changes leading to the introduction of mandatory reception and identification procedures on the Greek mainland as well as the relevant legal frameworks. The second chapter provides brief site profiles of the **Mainland Reception Facilities** of Diavata and Malakasa. Chapter three analyses **Barriers to Accessing the Procedure** - including persistent issues with the online platform for requesting appointments and the location and accessibility of the mainland RICs. The fourth chapter, **Excluded from Support and Protection**, considers the impact of exclusion from the asylum system, examining how denial of access to material reception conditions, healthcare and legal protections pushes people into a precarious existence in Greece while they await the registration of their asylum claim. In chapter five, **The Reception and Identification Procedure**, we analyse the experiences of people undergoing the screening procedures within the mainland RICs while under a regime of *de facto* detention. At the end we outline the key **Conclusions and Recommendations** to the Greek state and European Commission arising from this research.

# METHODOLOGY

Mobile Info Team and Refugee Legal Support carried out research between May and October 2023 with the aim of understanding and documenting the impact of the introduction of mandatory reception and identification procedures in mainland Greece, following the designation of Diavata and Malakasa as RICs in September 2022.

This report is based on qualitative interviews with 19 people who applied for asylum in Greece between September 2022 and August 2023. While our focus was the policy changes leading to the establishment of two mainland RICs in September 2022, a number of respondents had arrived in Greece prior to 2022, with 42% arriving between 2016-2021, and had not been successful in applying for asylum through the previous Skype system. The findings therefore reflect longer-term restrictions on access to asylum in mainland Greece.

Additional quantitative research was undertaken primarily by Forge for Humanity, with the support of MIT and RLS between September 2022 and July 2023. This larger data set documented the waiting times for appointments at the RIC of Malakasa for 105 applicants, primarily young single men without recognised vulnerabilities. Supplementary data was collected through an analysis of more than 70 of MIT's case files for applicants of international protection applying through the new system. Further qualitative data on the impact of the new system was gathered through interviews with six legal practitioners and two protection workers.

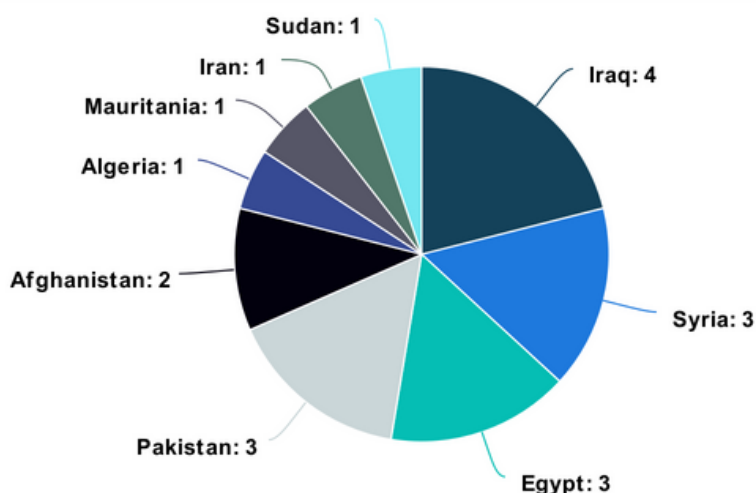
Different methods were employed to recruit interview participants. RLS primarily drew on existing relationships with clients who had undergone the procedure at Malakasa RIC or attempted to enter the procedure via the online platform or after being transferred by the authorities from camps on the mainland. The firm basis of trust built through previous in-person meetings enabled RLS to access harder to reach groups for interviews - including women and people with vulnerabilities. MIT primarily recruited participants through posting Facebook adverts asking if individuals had attempted to register at Malakasa or Diavata RIC and would like to share their experiences for research. Adverts were posted over a period of one month in Arabic, Urdu, Farsi, English and French, and respondents were invited to proactively contact MIT via a WhatsApp research hotline. This method allowed us to reach a wider pool of people who had not previously been assisted by MIT or RLS.

47% of respondents were young single men who registered at Malakasa RIC. This demographic is reflective of the people who engage with MIT's digital platforms. Across the sample group the gender split was 84% men and 16% women, and respondents came from the following countries: Iraq, Syria, Egypt, Pakistan, Afghanistan, Algeria, Mauritania, Iran and Sudan. Ages ranged from 22-55 with an average age of 31 across genders. Five people had a recognised vulnerability and four respondents underwent the procedure with their child(ren).

The interviews were conducted in-person in Athens and over the phone, with questions covering access to the asylum procedure and reception conditions, the reception and identification procedure, and the conditions within the mainland RICs, including access to information, legal support, and provision of dignified living conditions.

The inclusion of respondents from countries of origin deemed safe by Greek law (Egypt, Pakistan, and Algeria in our sample) was important as applicants who are single men from these countries may undergo an accelerated procedure including their full asylum interview within the mainland RICs, raising specific concerns regarding fair and equal access to asylum. Most respondents (74%) registered at Malakasa RIC, and hence our report is able to offer a more complete picture of the situation there compared with Diavata.

**We interviewed 19 people aged between 22 and 55 from the following countries of origin:**



Finally, our research was limited by the restricted access to RICs for civil society organisations (CSOs) which are not on the MoMA's NGO Members Registry and the lack of publicly available information published by the MoMA regarding the procedure. This was further exacerbated by inconsistencies and frequent changes in the authorities' practices since September 2022, which resulted in confusion for both interview participants and practitioners in the field.

The research is not representative of all asylum seekers' experiences in Greece. People exempt from the reception and identification procedure, such as unaccompanied minors, people detained in pre-removal detention facilities and prisons, those who have previously been identified by a Greek public authority, and people submitting a subsequent application for asylum are not represented in the interview sample group. Moreover, the research does not cover the experiences of people who undergo screening and registration in Fylakio RIC, located in the Evros region. People registering at Malakasa and Diavata may have been in the Greek territory for months or years prior to their appointment, in contrast to Fylakio RIC where the population is primarily asylum seekers apprehended shortly after crossing the land border with Turkey. While the report covers policy changes impacting applicants living on the mainland as well as Crete and Rhodes, only one respondent was living on Crete and none on Rhodes.

# ◆ 1: LEGAL AND POLICY BACKGROUND

This chapter outlines key policy changes in 2021 and 2022 leading to the introduction of mandatory reception and identification procedures on the Greek mainland, as well as the relevant legal frameworks and legal disputes emerging since the implementation of the new system in September 2022.



## **(A) The introduction of uniform reception and identification procedures on mainland Greece, Crete and Rhodes**

Since November 2021, Greece has prevented the registration of asylum claims on the mainland for persons who have not previously undergone reception and identification procedures, which is mandatory for all irregularly arriving or staying third country nationals and stateless persons who cannot prove their identity with a document issued by a Greek public authority. Unaccompanied minors and persons who are in criminal or administrative detention are exempt from the screening procedure and may lodge their asylum claim directly with the Greek Asylum Service (GAS).

Prior to this policy change, reception and identification procedures were only implemented within RICs located on the islands and in the land border region of Evros (Fylakio RIC), whilst all irregularly arriving or staying third country nationals on the mainland had the possibility to lodge their asylum application directly with the GAS, after being given an appointment through Skype or without an appointment if they were vulnerable.

In November 2021, the Greek Ministry of Migration and Asylum (MoMA) issued a Circular<sup>14</sup> terminating the Skype system for first instance claims and introducing mandatory screening for people who have not previously undergone reception and identification procedures. A second Circular and accompanying decision issued on 31st Aug 2022<sup>15</sup> established that persons on the Greek mainland, Crete or Rhodes who are not identified should lodge applications after undergoing reception and identification procedures at two RICs located in Malakasa and Diavata, close to Athens and Thessaloniki respectively. Appointments at the two mainland RICs are booked using an online form on the MoMA's website,<sup>16</sup> launched in July 2022, where applicants provide basic personal information and choose one of the two facilities for the registration of their claim.

Before the two RICs on the mainland started operations in September 2022, only those who could prove their identity and nationality through a Greek public document (e.g. a note issued by the police) or those who entered Greece on a visa were able to register an asylum claim at competent asylum offices. Between November 2021 and September 2022 there was effectively no access to asylum on the Greek mainland, Crete and Rhodes for the vast majority of third country nationals.<sup>17</sup> The RIC in Fylakio continued to operate only for registering arrivals at the land border.

# TIMELINE: The online platform for asylum registrations



**13 JULY 2022**

A new online platform for booking appointments to register asylum claims at the mainland RICs is established, available in nine languages

**1 SEPTEMBER 2022**

Registrations begin at the RICs of Malakasa and Diavata but issues with the platform are immediately reported, including unavailability of appointments and long waiting times up to 14 months<sup>18</sup>

**16 NOVEMBER 2022**

The Greek authorities make a commitment to the European Commission to add an option to self-declare a need for material reception conditions in the online platform, add missing languages including French, and implement a “central referral pathway for vulnerabilities”<sup>19</sup>

**25 APRIL 2023**

The European Commission requests<sup>20</sup> an update from the Greek authorities regarding the possibility to flag a need for material reception conditions in the online platform; the authorities respond that due to “technical difficulties” the RIS has not been able to complete this change<sup>21</sup>

**4 MAY 2023**

The MoMA announces<sup>22</sup> the suspension of all operations of the GAS due to an upgrade of its computer system; the online platform for asylum applications becomes unavailable the following day, leaving applicants in limbo with no information on when it will be reinstated

**10 JUNE 2023**

The staff of the GAS release a statement<sup>23</sup> highlighting the dire impact of the database shutdown on both asylum seekers and GAS workers, calling on the Ministry to immediately restore all asylum processes in Greece

**21 JUNE 2023**

CSOs release a joint statement<sup>24</sup> calling for the immediate reinstatement of the online platform and other vital functions of the GAS

**21 AUGUST 2023**

The MoMA reinstates the online platform after three and half months out of action,<sup>25</sup> with some additional languages including Georgian and Lingala but still missing French, presenting a significant barrier for applicants from some African countries including DRC and Cameroon

# Legal frameworks

## (B) Access to the asylum procedure

Under EU legislation<sup>26</sup> access to the asylum procedure comprises three discrete stages:

1. “Making” of the asylum application, i.e. the expression of will to apply for international protection;
2. “Registration” of the application by the competent authorities;
3. “Lodging” of the application by the competent authorities, following submission of a form by the applicant.

Greek legislation<sup>27</sup> transposes the second stage, registration, as “simple registration” or “pre-registration”, and the third stage as “full registration”. In line with the principles of EU<sup>28</sup> and Greek law (Art. 1(c), 59(1), 69(8) and 73(1), 4939/2022), the status of applicant for international protection and the associated rights to remain on Greek territory and access full material reception conditions and healthcare are acquired after the first stage of “making” the application for asylum. Greek law indicates that the status of applicant for international protection is acquired by the making of the asylum application, in writing or orally, before any Greek authority (Art. 1(c) and 69(8), 4939/2022). Settled case law of the ECJ clarifies that making of an application “does not require any administrative formalities” and is not subject to any restrictions.<sup>29</sup>

## (C) Timeframe for registration of asylum claims

Greek and EU law lays down clear deadlines for the registration of asylum claims and the issuance of documentation attesting to a person’s full registration. The Asylum Procedures Directive outlines deadlines of three, six and 10 working days for the registration of asylum claims which have been made (Art. 6(1, 5), 2013/32/EU).

Greek law states that the full registration of an asylum application is carried out immediately or at the least a simple registration is carried out within three working days after the application is received (Art. 69(2), 4939/2022). Simple registration entails the issuance of a document proving that the holder wishes to apply for international protection and containing their personal details and photograph. The deadline for full registration is set at no later than 15 days after the simple registration has been completed.



## (D) The reception and identification procedure

In the scope of reception and identification procedures, third country nationals undergo screening for the purpose of verifying their identity and nationality, detection of vulnerabilities and medical needs, and referral to asylum procedures or procedures for return.

The reception and identification procedure is divided into five distinct stages in the law (Art. 38-44, 4939/2022):

During the **Information** phase (Art. 39, 4939/2022), applicants are informed by the competent authorities, in a language they can be reasonably expected to understand and in an accessible manner, of their rights and obligations during the reception phase, their transfer to other structures, their option to apply for international protection, their rights and obligations during the asylum procedure, the terms and conditions of the RIC's operations, and their right to appeal the decision to restrict their freedom (Art. 40(b), 4939/2022).

In the **Processing** phase (Art. 40, 4939/2022), persons undergo reception and identification procedures while being subject to restrictions on their freedom, by a decision of the RIC Director. Such a decision should be issued within five days after their entry to the RIC. If the procedures have not been completed after the five day period, the Director may decide to extend restrictions on liberty for an additional period, not exceeding in total 25 days after the person's entry to the RIC. A person whose freedom has been restricted may raise objections against their deprivation of liberty to the relevant courts. Applicants for international protection may remain inside the RIC for as long as the examination of their claim lasts, provided this does not exceed 25 days.

The **Registration and Medical Examination** (Art. 41, 4939/2022) phase includes recording of personal information, including registering the fingerprints of all persons over the age of 14; verification of identity and citizenship; a medical check and provision of necessary healthcare and psychosocial support; and ensuring that specialised care and protection is provided to those who belong to vulnerable groups.

During **Referral to the Asylum Procedure** (Art. 42, 4939/2022), persons wishing to apply for asylum are referred to competent authorities within the RIC. Registration of applications and full interviews may be carried out within facilities in the RIC, where confidentiality is ensured. Processing of applications may be prioritised within the RIC if they are *inter alia* deemed manifestly unfounded or from applicants who come from safe countries of origin.

During **Further Referral and Transfer** (Art. 43, 4939/2022), the Director of the RIC may refer persons who have received rejection decisions or those who have not applied for international protection and do not have a legal residence permit in Greece, to procedures for readmission or deportation; applicants whose applications have not yet been decided on may be transferred to an "appropriate structure for their temporary reception".





## **(E) The legal status of persons who have requested an appointment via the online platform**

The request to schedule an appointment at Malakasa and Diavata through the online platform is equivalent to “making” an asylum application under EU and Greek legislation in force (Art. 6, 2013/32/EU; Art. 1(c), 69(8), 4939/2022). This assessment has been reinforced by at least eight rulings of Greek administrative courts in 2023<sup>30</sup> and assessments by the European Commission.<sup>31</sup>

However, the Greek authorities maintain that persons who have applied for an appointment via the platform do not qualify as applicants of international protection and this status is only acquired upon their registration within a RIC. The appointment receipt received following the successful booking of an appointment at a mainland RIC explicitly states that the receipt does not amount to proof of asylum seeker status. In practice, therefore, people with an appointment booked do not access material reception conditions or documentation attesting to their legal right to remain on Greek territory, despite having made a clear expression of intention to apply for international protection, amounting to “making” of an application under Greek and EU law.

The Greek government maintains that registering on the platform does not meet the requirements of simple registration under Greek law. The reasons cited for this in private meetings with the European Commission<sup>32</sup> include the fact that there is no collection or verification of data involved in the appointment booking process, and hence no documentation can be issued to the applicant. However, in this case the authorities have a legal obligation to pre-register a person who has requested an appointment within three working days and to provide documentation attesting to their status as an asylum seeker (Art. 6(1), 2013/32/EU).

The issue of access to the asylum procedure and the status of persons who have booked an appointment via the online platform have been the subject of interventions by the Greek Ombudsman<sup>33</sup> and CSOs.<sup>34</sup> It is additionally a major issue in the supervision of the implementation of the ECtHR judgement in *M.S.S. v. Belgium and Greece* (2011) by the CoE.<sup>35</sup> GCR has reported cases of Afghan nationals who were arbitrarily arrested and detained, preventing them from going to Malakasa RIC to submit their application for international protection. In these cases the applicants’ detention orders were removed by Greek courts.<sup>36</sup>



## **(F) Legal assessments of *de facto* detention within RICs**

The practice of restriction of movement of people undergoing reception and identification procedures within RICs and CCACs is the subject of ongoing infringement proceedings initiated by the European Commission in January 2023.<sup>37</sup> The Commission has assessed that the restriction of movement decision amounts to *de facto* detention, as it entails substantial interference with the liberty of persons, who are required to remain within the RIC or CCAC and are not permitted to receive visitors from outside.

The deprivation of liberty rule is applied to all persons undergoing screening within RICs, including vulnerable persons and children, in contravention of EU asylum law (Art. 8, 2013/33/EU) - which designates that “a person should not be held in detention for the sole reason that he or she is seeking international protection” - and EU human rights law.<sup>38</sup> If considered as detention, the Greek authorities’ practice of depriving applicants of international protection of their liberty within RICs is bound by procedural safeguards for the detention of asylum seekers<sup>39</sup> including the obligation to provide information in writing regarding the reason for the person’s detention and the right to appeal the decision, in a language which they can understand or reasonably be supposed to understand (Art. 50(6), 4939/2022).

***“I think suffice to say that most of the problems in relation to this regime start from the fact that there is a fundamental legal disagreement between the Greek government and the broader legal community and EU institutions on whether [the deprivation of liberty measure] is or is not detention.”***

Greek lawyer

There are concerns regarding whether Greece is adhering to its own legal provisions in relation to the date on which the deprivation of liberty decision is issued. In December 2022, the Greek Ombudsman requested clarification from the RIS regarding the date on which people receive the restriction of movement decision,<sup>40</sup> following a case in which shipwreck survivors were deprived of their liberty for two weeks within the RIC of Malakasa, prior to being issued with the decision to restrict their liberty. In May 2023 GCR reported a case in which an Afghan national was *de facto* detained at Malakasa RIC for 29 days in March-April 2023 before receiving the deprivation of liberty decision.<sup>41</sup> This case is the subject of a complaint to the Greek Ombudsman submitted by GCR in October 2023. In this case, the decision to restrict the freedom of the applicant was issued just one day before the registration of his asylum request.

## 2: MAINLAND RECEPTION CENTRES

This section provides an overview of the mainland RICs at Malakasa and Diavata, including brief histories of each site and key statistics where available. Following the policy change in November 2021 which abolished direct access to the asylum procedure for most people seeking international protection in Greece, the Greek government specified that applications should be lodged within reception and identification facilities on the mainland. However, these facilities did not materialise until the end of August 2022, when the RICs of Malakasa and Diavata were established through a Circular issued by the MoMA. The RICs were not newly constructed by the MoMA but were rather repurposed existing structures which had previously accommodated registered asylum seekers.<sup>42</sup>

### Malakasa RIC



#### Key Information

Started operations as a RIC:  
September 2022

Location: 42 km from Athens city  
centre, 2 km from Malakasa village  
(38.239922, 23.779786)

Management: Reception and  
Identification Service (RIS)

Approximate capacity: 1500

Malakasa RIC (K.Y.T. Μαλακάσας in Greek) is one of two facilities responsible for the reception and identification of asylum seekers present on the Greek mainland. The site began operations as a RIC on 1st September 2022 and is located 1 km from Malakasa reception facility, a larger accommodation structure for registered asylum seekers. The RIC was established on a pre-existing site, known as New Malakasa, which had been functioning as a reception facility for registered applicants since March 2020 and previously as a detention camp.<sup>43</sup> Both the RIC and Malakasa reception facilities are built on a former military base, Gerakini.

Malakasa RIC is a closed facility with a double high fence around the perimeter. Entry and exit is restricted and controlled through a security gate. The site comprises a services area and an accommodation area which are separated by an internal fence.

# Diavata RIC



## Key Information

Started operations as a RIC:  
September 2022

Location: 7.5 km from Thessaloniki  
city centre, 2.5 km from Diavata  
village (40.702278, 22.863993)

Management: Reception and  
Identification Service (RIS)

Approximate capacity: 940

Diavata RIC (K.Y.T. Διαβατών in Greek) started operations on 1st September 2022. The RIC opened on an existing site which had been used to accommodate registered asylum seekers since 2016, and was previously used as a military base (Anagnostopoulou).<sup>44</sup> The current site operates both as a RIC and an open reception facility for registered applicants. The facility is surrounded by industrial warehouses and farmland.<sup>45</sup>

In 2018 the camp witnessed numerous protests linked to poor living conditions<sup>46</sup> and in 2019 attracted international media attention when riot police used tear gas on hundreds of people on the move who set up an informal camp outside the facility.<sup>47</sup>

Diavata RIC is a semi-closed facility, with an electronic entry-exit system installed in 2021.<sup>48</sup> Residents with an asylum seeker card are permitted to exit the facility by scanning their card. The site has a prison-like structure including a 3-metre high perimeter concrete wall, security gate and security cameras lining the external wall. Some infrastructure remains from the site's previous use as a military base, for instance the watchtowers. Unlike in Malakasa RIC, residents have free movement within the facility, and the accommodation area is not separated by any fence or barrier from the administration buildings.



# 3: BARRIERS TO ACCESSING THE PROCEDURE

This chapter covers the challenges people face obtaining and attending asylum registration appointments at the RICs of Diavata and Malakasa. Respondents reported a number of barriers to accessing the procedure, including lack of information on how to apply, frequent technical issues or unavailability of the online platform for booking appointments, and the remote location of the RICs, leading to challenges relating to the time and cost of travel, and well-founded fears of apprehension and detention. Vulnerable people were impacted by the lack of a standard procedure for identifying and prioritising the registration of their cases.



## (A) Lack of information on the procedure

Respondents reported a lack of information and guidance on the procedure for applying for asylum in Greece. Despite the provisions of Greek law (Art. 39 and Art. 47, 4939/2022), no respondents reported receiving information from Greek authorities regarding how to apply for asylum and their rights and obligations in the procedure. Rather, most applicants received this information from CSOs and their social networks. This finding is corroborated by data collected by UNHCR in 2022-2023,<sup>49</sup> which evidenced that beneficiaries of international protection primarily received information on their rights in the Greek asylum system from other refugees (43% of respondents), the internet (34%) and CSOs (27%). Chronic lack of information provided by the authorities is a persistent and long-standing issue in the Greek asylum system, reported on by CSOs for several years.<sup>50</sup>

The frequent changes in Greece's asylum system in recent years was an additional factor contributing to people's confusion regarding how to access the new procedure. Greek lawyers additionally reported that, for applicants who have been living in Greece for some years, constant changes to the system and persistent dysfunction has eroded trust and motivation to apply.



## (B) Appointment delays and unavailability

50% of respondents who successfully booked an appointment at a mainland RIC reported a waiting time of two months or more for their registration appointment.

Rulings by Greek courts have established that booking an appointment amounts to "making" an asylum application.<sup>51</sup> Consequently, waiting times well exceeded the deadlines laid out in Greek law, which states that the authorities must register claims immediately or at least pre-register within three working days after making (Art. 69(1-2), 4939/2022).

The inability to meet deadlines set out in the law for the registration of both first instance and subsequent asylum applications has been a chronic issue in Greece for years. The absolute maximum deadline of 15 days for full registration has been consistently exceeded, including in

the new registration system. As reported by RSA in February 2023, appointments at the RIC of Malakasa have been scheduled for up to 12 months in advance.<sup>52</sup> Statistics published by the Greek government show that at the end of December 2022 there were over 4,000 pending asylum applications for applicants who had submitted their application more than 12 months prior to this date. While waiting for registration, people are unable to access their legal right to full material reception conditions and healthcare, which is acquired upon expression of will to apply for international protection as per Greek and EU law (Art. 1(c), 59(1), and 73(1), 4939/2022; Art. 2(c) and 9(1), 2013/32/EU; Art. 2(b) and 17(1), 2013/33/EU). The impact of lack of access to material reception conditions and healthcare is examined in chapter 4.

*“I didn’t apply via the platform myself because I wasn’t aware that people are able to apply for asylum through the website, there was no information around about this, I didn’t know the website or from where to get this website.”*

Male respondent from Algeria, 26 years

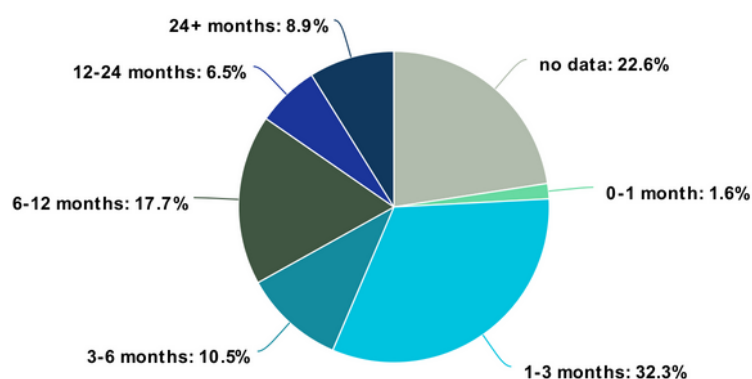
*“When I entered Greece I applied [for asylum] after four days through a private lawyer. I knew this lawyer through a person - he did it for others, the same thing. He didn’t do anything important, he just used the link and applied for asylum for me.”*

Male respondent from Iraq, 31 years

An analysis of data collected by Forge for Humanity, MIT and RLS, shows that for 124 people who requested an appointment at Malakasa RIC via the online platform between July 2022 and May 2023, **the average waiting time for an appointment was 83 days, while 11% of people waited for more than 5 months to attend their appointment.** Applicants on whom data was collected were primarily young single men from Iran, Afghanistan, Pakistan and Syria, with no recognised vulnerability. The average time elapsed between an individual’s arrival in Greece and the date of their registration appointment at a RIC was approximately 9 months.

Delays in the processing of applications has been a chronic issue in the Greek asylum system for years. According to data collected by UCL and ETH Zürich in 2022 and 2023,<sup>53</sup> 11% of 1,707 people surveyed about their experience navigating the asylum procedure in Greece who arrived between 2015 and 2021, reported that they received their asylum seeker card in their second year after arrival in Greece, while 10% received it in their third year after arrival.

Time elapsed between arrival in Greece and date of asylum registration appointment at Malakasa RIC for 124 applicants:



### (C) Inaccessibility of the online platform

69% of respondents who used the online platform to book an appointment at a RIC reported issues accessing or using the platform.<sup>54</sup> Concerningly, 23% respondents said they paid a private lawyer to apply via the online platform for them, with one respondent sharing that their lawyer charged 100 euro to book an appointment. Others were assisted by NGOs and peers, who were often the primary source of information regarding how to apply for asylum.

One respondent was unable to book an appointment due to the shutdown of the GAS computer system between May and August 2023 and at the time of the interview (July 2023) had still not managed to book an appointment. The wide-reaching impact of the platform shutdown was documented in June 2023 by numerous CSOs whose clients faced similar issues during this time.<sup>55</sup> Overall, reported issues with the online platform amounted to overwhelming evidence of significant restrictions on the right to apply for asylum, in contravention of extensive EU case law.<sup>56</sup> In September 2023 the Council of Europe expressed concerns regarding the operation of the online platform and requested clarifications from the Greek government regarding access to asylum on the mainland.<sup>57</sup> Similar issues have been raised by the Greek Ombudsman, which assessed in May 2023 that the exclusive submission of a request for an appointment through the platform constitutes an “additional administrative-technical restriction” which greatly hinders access to asylum on the mainland.<sup>58</sup>

Most people interviewed for this research were men (84%) with an average age of 30, a demographic which is considered to be more digitally literate, generally with greater access to the internet and confidence navigating technology.<sup>59</sup> Nonetheless, 69% of respondents who successfully booked an appointment at a RIC reported that they could not have done this without assistance. They specifically described difficulties relating to technical issues with the online platform, including frequent crashing of the system and unavailability of appointments. Technology-related barriers were also identified by Greek lawyers as a key issue faced by their clients, especially for applicants with additional support needs. As highlighted in reports by Equal Legal Aid and MIT,<sup>60</sup> the digitalisation of the Greek asylum system has created additional barriers for people who are not digitally literate, or face issues relating to the cost of data and reliance on mobile phone technology for complex actions such as uploading documents.



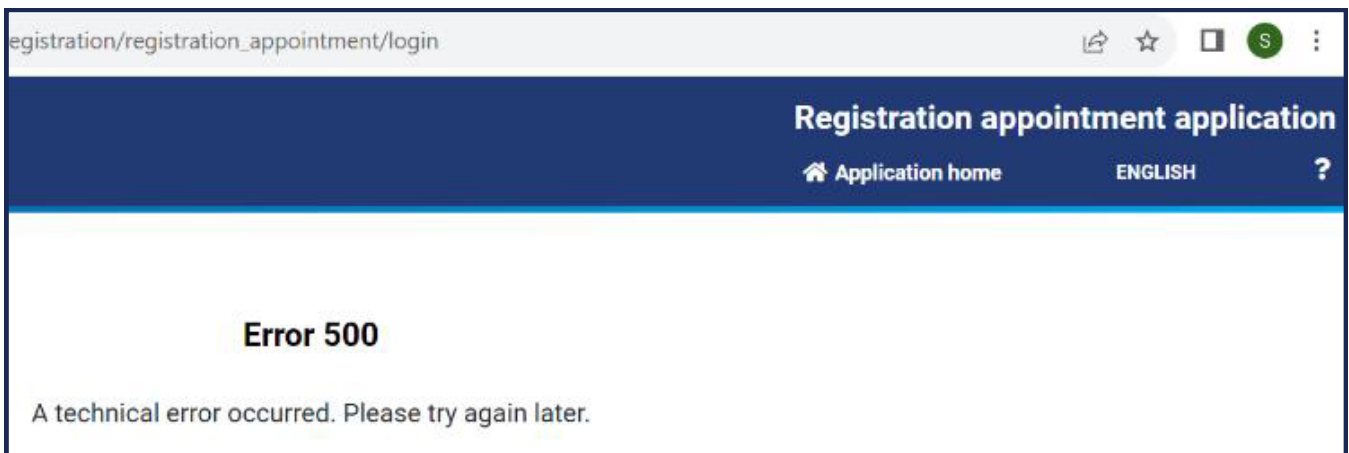
“

*Most people [we support] do not even have an email or do not know how to check their inbox. We have problems with people being able to operate [the online platform]. For example, I have a blind beneficiary who could not connect/link his email with the platform, so I had to do it for him, using his password and email.*

Greek lawyer

”

Error message showing on the online platform of the MoMA. This message continues to be displayed at certain times after the submission of a request to book a registration appointment.



## (D) Barriers to accessing the mainland RICs

The location of the RICs was a significant reported barrier for people wishing to register a claim, due to the costs and dangers associated with travelling long distances without documents. People reported having to travel across the country to attend appointments, in some cases due to unavailability of appointments at the RIC closer to their location.

29% of respondents who travelled independently to their registration appointment reported that the time and cost of travelling created a significant financial strain and in some cases led to them missing their appointment. The lack of transport arranged by the authorities shifts the burden of arranging and paying for transport onto individuals, including vulnerable people. This is particularly evident in times when public transport is disrupted, for instance during weather-related disruptions or following a major train accident in April 2023. 50% of respondents who travelled independently specifically mentioned that they felt fearful of travelling to an appointment because they lacked documents to protect them from arrest by the police.

“

*After the accident, the trains did not function but the registrations took place normally, without any provision for the people on how to access the centre. I know a lot of organisations that had to pay for a taxi so people didn't miss their appointments. Because if you miss your appointment, you could have another one in seven months.*

Greek lawyer

*It was a lot of money and also it was winter back then, it was snowing. It was hard for me to get from Chania [in Crete] to Athens without documents, and then to Malakasa which is two hours away from Athens. I stayed in some hotels because I got lost and didn't know where the location was. Overall I spent around 1000 euros because it took me some time to get there and to come back in the snow.*

Male respondent from Syria, 34 years

”



## **(E) Access to the procedure for vulnerable people**

Despite assurances made in spring 2023 by the Greek authorities regarding plans to establish a referral pathway for vulnerable cases,<sup>61</sup> to date there is no such system in place. In practice, people with vulnerabilities are not prioritised in the registration system and cannot access vital services such as healthcare and accommodation during sometimes long waiting periods for registration within a mainland RIC.<sup>62</sup>

Our research shows that people with special support needs - including victims of torture, pregnant women, single mothers and persons suffering from serious mental illness - are subjected to the same lengthy waiting times for appointments and are not provided with transportation to access the RICs. In one case reported by a social worker working for an NGO, a single father with a child suffering from cancer was unable to travel for registration to a RIC, due to the child's medical condition. While in this case registration happened outside the RIC, this required persistent follow-up by the social worker, evidencing the need for strong support networks and resources in the absence of a standard operating procedure for prioritisation of vulnerable cases.

*“If [the NGO] weren't involved, I would not have been able to go to Malakasa. They gave me the courage to actually go with the lawyer. I was scared, the whole environment I was in wasn't the best for me. I didn't want to stay the night at Malakasa.”*

Woman with a vulnerability from Egypt, 23 years

## Case studies: screening and registration of vulnerable people on the mainland

Interviews conducted evidence the highly irregular practice in relation to screening and registration of vulnerable people on the mainland:

- **A single mother waited 2 months for a registration appointment at Malakasa RIC** along with her daughter and reported that she was only able to flag her vulnerability to the authorities and avoid the *de facto* detention up to 25 days due to the assistance of a lawyer; during the time of her registration she reported feeling suicidal and unsafe at Malakasa RIC.
- **A single father of a 17 year-old girl with a serious heart condition** reported that they were transferred as part of a group of arrivals at sea directly to Malakasa RIC without undergoing any vulnerability screening, and detained there for 22 days.
- **A 55 year-old man with a medical vulnerability** applied for an appointment at Diavata in September 2022 and was given an appointment in January 2023, and had to travel 7 hours by bus to the appointment and cover the costs by himself; he additionally reported that he would have booked an appointment at Malakasa RIC if he had received more information about the locations of the facilities.

In the absence of a formal system for identification of vulnerable cases, and provision of appropriate protections, vulnerable applicants additionally face the risk of arbitrary arrest and detention. One respondent, a highly vulnerable man from Sudan who is a victim of torture, was apprehended by the Hellenic Police at Malakasa RIC and subsequently detained, after he spontaneously presented at the facility for registration without an appointment receipt. At the time of his arrival in Greece, there was no possibility to request an appointment for registration at a mainland RIC due to an upgrade of the GAS computer system - let alone flag his vulnerability to the authorities to prioritise his case.

Lawyers additionally reported receiving inconsistent and confusing information from the authorities regarding how people with a recognised vulnerability should register. In some cases, the practice directly contradicted information received from the authorities. The absence of screening in the appointment booking form puts already vulnerable applicants at risk of further harm and has been consistently raised by CSOs<sup>63</sup> since the very first day of appointments at the mainland RICs and subsequently by both Greek<sup>64</sup> and international<sup>65</sup> civil society groups.

***“With unofficial information you don’t really create a system, you just have lucky people and unlucky ones.”***

Greek legal practitioner

# 4: EXCLUDED FROM SUPPORT AND PROTECTION

This chapter analyses how restrictions on access to asylum impact the everyday lives of people seeking international protection in Greece. As highlighted in chapter one, dysfunctions in the system for applying for asylum have left many people without legal protection or access to their basic rights to healthcare, housing, and financial support. During their time waiting for an appointment at a RIC, respondents were exposed to risks including deteriorating mental and physical health due to lack of access to vital medical care and treatment, homelessness, destitution, and detention and pushbacks.<sup>66</sup> For people with vulnerabilities, these risks compounded existing challenges, putting them at further risk of harm. Following registration at a RIC, applicants reported continued issues in accessing their rights to full reception conditions, reflecting the wider crisis within Greece's reception system.<sup>67</sup>



## (A) Denial of material reception conditions and healthcare

Persons who have expressed their will to apply for international protection are entitled to full reception conditions without delay under EU and Greek law. Despite having made an application according to the definitions laid out in international, EU and Greek law, people who have requested an appointment to register their asylum claim in Greece are not in practice granted access to material reception conditions (Art. 2(c) and 9(1), 2013/32/EU; Art. 2(b) and 17(1), 2013/33/EU; Art. 1(c), 59(1), and 69(8), 4939/2022). Greek law defines material reception conditions as housing, food and clothing provided in kind or as financial allowances, and a daily expenses allowance (Art. 1, 4939/2022).

For respondents who had to wait months for their registration appointment at a RIC, this had a huge impact on their physical and mental wellbeing, as they were unable to access support such as housing, healthcare, or cash assistance during this period.

While waiting to register, respondents reported having to rely on friends to house them, or renting private accommodation which they funded through informal work, often in precarious and exploitative conditions.<sup>68</sup> Lack of access to accommodation was particularly significant given that the average time elapsed between respondents' arrival in Greece and the date of the registration of their first asylum application was 10 months. 26% of respondents had lived undocumented in Greece for more than two years. One respondent, a 34 year-old man from Syria, had been attempting to apply for asylum in Greece for the past three years: "It's been the same situation for three years - I can't work, I don't have a house. If I were in another country it would be much better, I would be able to get some sort of help with my situation."

***"Due to the delays that are inherent in the Greek asylum process, people may be asylum seekers today, but their right to healthcare and financial allowances will be recognised in 6-7 months' time. For people in any type of situation this is dire enough; for specific categories of people with very pressing medical or other needs, we can imagine this can have absolutely destructive consequences."***

Greek lawyer

Respondents reported difficulties due to lack of financial support while living undocumented in Greece, including being forced into undertaking informal and exploitative work. One respondent reported that they had to rely on family abroad to support them financially since arriving in Greece due to delays in accessing reception conditions. Two people reported difficulties associated with not being able to work due to their undocumented status, leading to exploitative working condition and homelessness. MIT has previously reported<sup>69</sup> on the risks undocumented people face in both labour and sexual exploitation. The impact of lack of access to support for undocumented people in Greece has been reported on by multiple CSOs - including their increased exposure to exploitation,<sup>70</sup> homelessness,<sup>71</sup> and destitution.

Notably, even people who have registered applications for international protection do not enjoy unrestricted access to financial support in Greece. In December 2022,<sup>72</sup> less than a third of the 15,785 asylum seekers reported by the MoMA as residing in Greece's reception system received cash assistance during that month. This figure amounts to less than one fifth of the total number (22,170) of pending asylum applications reported by the MoMA for both first and second instance.<sup>73</sup>

Lack of access to healthcare had critical consequences for a number of respondents. Two people reported that they or their child were unable to access medical assistance during their time waiting for their appointment at a RIC. <sup>74</sup> Deprivation of access to healthcare for people who have requested an appointment to register their asylum claim at a RIC is unlawful given that Greek law foresees that applicants of international protection and their family members are granted unrestricted access to public hospital and medical care "from the date of manifestation of the will to submit a request for international protection". <sup>75</sup> Lack of access to healthcare has been a persistent issue across Greek camps,<sup>76</sup> PRDCs,<sup>77</sup> CCACs<sup>78</sup> and RICs,<sup>79</sup> indicating the widespread denial of medical care for a highly vulnerable population.

21% of respondents reported being permitted to stay in mainland camps prior to registering their asylum claim at a RIC, amounting to partial access to material reception conditions.

However, persons accommodated in camps did not have access to financial support and in some cases had to wait up to two months to be transferred to a RIC for registration. A group in Ritsona reported staying unregistered in the camp for over four months due to their appointment being postponed following the Pylos shipwreck.<sup>80</sup>

Respondents additionally reported accessing only partial reception conditions following their registration at a RIC. At the time of interview, five respondents were living in precarious housing situations in Athens, four of whom had already been registered at a RIC. Reports of sub-standard conditions within mainland camps and issues relating to the isolation of residents from support and basic services have been widespread.<sup>81</sup> Recent overcrowding<sup>82</sup> within mainland accommodation structures reported in October 2023 additionally highlights the complete lack of capacity within Greece's reception system to accommodate new applicants on the mainland.

*“It was really tough [living without documents in Greece]. I used to work in the black market, whatever I [could] find - 2 days, 3 days. It was usually hard work and work that not everybody does, I was doing it because I had to. I slept so much in the street, in gardens, in squares. It wasn’t easy.”*

Male respondent from Syria, 34 years



## **(B) Lack of legal protection**

32% of respondents reported fear of apprehension by the police and possible detention while living without documents in Greece. This led to severe restrictions on their daily life, with people reporting feeling too afraid to go outdoors, or limiting their movements to essential tasks like going to work or food shopping. Respondents reported feeling trapped and unsafe, and described this feeling of danger and precarity as permeating all aspects of their daily existence. A respondent from Algeria specifically explained that he was scared of being pushed back to Turkey during the time that he was waiting for his appointment at Diavata RIC, a period which lasted three months. He reported that his fear was heightened as several of his friends, also Algerian nationals, had been apprehended by police in Thessaloniki, and subsequently pushed back to Turkey over the land border. “I was stressed from what I saw happen to my friends,” he explained.

These fears of arbitrary apprehension are well-founded. Police operations in Thessaloniki<sup>83</sup> and Athens targeting undocumented people have become systematic: according to Hellenic Police statistics 364 people were checked in targeted operations to identify illegally residing persons in Thessaloniki during October 2023.<sup>84</sup> Similar police “sweep” operations in Athens have been widely documented.<sup>85</sup> During the Thessaloniki international fair in September 2023, 686 people were stopped by police in a period of just two weeks.<sup>86</sup> This practice of discriminatory profiling heavily relies on racial, ethnic, national or religious characteristics. Testimonies of pushbacks and detention collected by BVMN frequently mention people being apprehended at or near major transport hubs<sup>87</sup> including bus stations<sup>88</sup>.

*“I was scared to stay in my place because the police might come and pick me up. I was also scared to walk in the street. It was very stressful most of the time. To be undocumented is stressful all the time, whether you’re in your home or in the street, it’s the same.”*

Female respondent from Egypt, 23 years

In addition, the frequency of arrests and detention of both undocumented and documented people in Greece, including asylum seekers, is reflected in the exponential increase<sup>89</sup> in the population of people in administrative detention facilities in Greece in recent years. According to data collected by UCL and ETH Zürich in 2022 and 2023,<sup>90</sup> 17% of 1,707 people surveyed about their experiences of seeking asylum in Greece, most of whom had arrived in Greece by 2021, reported experiences of detention since arriving in the country. The ongoing detention of people who have booked an appointment amounts to a violation of the EU Reception Conditions Directive, which foresees the use of administrative detention for asylum seekers only in exceptional circumstances. Testimonies indicate that in practice arrests are arbitrary, do not involve a proper assessment of proportionality of detention measures, and people are therefore detained without any legal basis or justification.

## Detention of asylum seekers with an appointment to register their asylum claim

Despite EU law (Recital 27 and Art. 2(b), 2013/32/EU) and Greek legislation (Art. 69, 4939/2022) stating that third country nationals who have expressed their wish to apply for international protection should be recognised as applicants and therefore benefit from protection and reception conditions, our research indicates that applicants are detained on the grounds of staying illegally in Greek territory, even when showing proof of their appointment receipt.

According to our research:

- Applicants have been arbitrarily detained in police stations as well as PRDCs, including Amygdaleza, Corinth and Paranesti. In three cases respondents were detained in more than one detention facility;
- Applicants have been detained for periods of one month to beyond seven months, and face risk of removal from the territory;
- Applicants with vulnerabilities have been arrested and detained in PRDCs when presenting at Malakasa RIC.

The arbitrary arrest and detention of applicants with registration appointments has also been consistently raised by [GCR](#), particularly while the online platform was suspended between May and August 2023. At least eight [Greek Administrative Court Decisions](#) have ruled that this is illegal, yet [RSA](#) state that the Greek government has taken no actions to comply with these rulings; in fact it attempted to overturn the case law by unsuccessfully requesting withdrawal of the [first](#) of the judgments.



# 5: THE RECEPTION AND IDENTIFICATION PROCEDURE

This chapter draws on 16 interviews with people who underwent screening within the mainland RICs between September 2022 and September 2023. Respondents reported that they experienced arbitrary *de facto* detention within remotely located RICs which negatively impacted their ability to access information and legal support, including in relation to flagging a vulnerability to the authorities, and that they were held for periods sometimes exceeding the legal maximum of 25 days in poor conditions which has a significant impact on their psychological wellbeing, in some cases leading to retraumatisation. In all cases respondents reported issues relating to lack of support during their *de facto* detention which was compounded by the restricted access to the RICs for civil society actors, including lawyers.



## (A) 25-day *de facto* detention

As per Greek law (Art. 40, 4939/2022) persons undergoing reception and identification procedures are subject to a restriction of liberty for an initial period of five days, which may be extended to a total of 25 days by decision of the Director of the RIC. The decision to extend the restriction of liberty must be issued within five days after entry to the RIC (Art. 40) and people whose liberty is restricted must be informed of their right to appeal the decision (Art. 40(b)), in a simple and accessible manner and in a language they can understand or are reasonably expected to understand (Art. 39). Analysis of 16 interviews of respondents who underwent screening within the RICs between September 2022 and September 2023 indicates that:

- 50% of respondents were detained for more than two weeks and in one case the respondent was detained for 28 days in Malakasa RIC, demonstrating the systematic extension of the preliminary five day *de facto* detention period, including beyond the legal maximum period of 25 days (Art. 4, 4939/2022)
- 93% of respondents reported that their liberty was restricted immediately on entry to the RIC, but they were not aware of the actual date on which the decision to restrict their movement was issued, possibly leading to them being detained beyond the 25-day maximum period due to a time lag between their physical entry to a RIC and the official start of the reception and identification procedure
- No respondents reported that they received the deprivation of liberty decision in a language they could understand, although eight respondents reported that they received a document written in Greek which they did not understand and were not offered translation assistance, amounting to deprivation of their rights under legal safeguards for detained asylum seekers (Art. 50, 4939/2022)
- No respondents were informed of their right to appeal the deprivation of liberty in a language they could understand, in contravention of Greek law (Art. 39, 4939/2022).

Interviews with Greek lawyers who have represented clients undergoing screening in RICs indicated that in practice people may be issued the deprivation of liberty document up to weeks after their physical entry to a RIC, and lawyers are not necessarily informed when this decision is made and the screening procedure initiated, rendering it difficult for them to represent their clients in some cases. One respondent reported that they received the deprivation of liberty document at the end of their *de facto* detention at Malakasa RIC.

Another case was reported by a Greek lawyer of a group of shipwreck survivors who entered Malakasa RIC at the end of 2022 and were held in a state of *de facto* detention for approximately two weeks before receiving the deprivation of liberty decision from the camp authorities, a clear contravention of Greek domestic law.

***“Nobody told us [the reason we had to stay beyond 25 days]. The thing is the office was closed and we knew that according to the calendar [i.e. a public holiday] there was no one in the office to work and to process our documents. For that reason we knew that it would take more than 25 days.”***

Male respondent from Afghanistan, 22 years

Aside from unlawful practices in the implementation of restriction of movement within RICs, respondents reported that being deprived of their liberty for the sole purpose of reception and identification had a significant impact on their psychological wellbeing. A 28 year-old male respondent from Iraq explained:

***“The only problem we have is that we don’t have freedom to go outside [Malakasa RIC]. We don’t have freedom. For sure it impacts us psychologically. I would rather they transfer me to an open camp and they manage to get my access quickly, because people here are very far from the city, they can’t even go to the market, and they have no money to spend, so it’s a very hard situation inside.”***

In six cases respondents reported that they did not undergo the screening process until several days after their entry to a RIC, contributing to feelings of frustration, and a well-founded perception that the deprivation of liberty measure was arbitrary and unnecessary. “Some people stay 25 days, some people stay 1 week, 2 weeks, it’s random,” said one male respondent from Syria.



## (B) Detention of vulnerable applicants

Restriction of movement is applied as a blanket measure to third country nationals undergoing reception and identification procedures in Greece, including vulnerable persons. Only unaccompanied minors are exempt from the procedure, meaning that people with a disability, pregnant women, victims of human trafficking, people with serious illnesses and torture survivors, among others, are subjected to *de facto* detention within the RICs for periods up to 25 days (and in practice possibly longer). This practice is particularly concerning given the inadequacy of vulnerability assessments in the screening process (see section 5(C)), and the lack of psychosocial support available to applicants during their detention (see section 5(F)), meaning that vulnerable persons are not ensured access to specialised support guaranteed under law (Art. 22, 2013/33/EU).

Interviews with respondents and Greek lawyers indicate that there is no uniformity in the procedure for registering vulnerable cases in the mainland RICs, effectively leading to a two-tier system whereby applicants who are represented by a lawyer receive preferential treatment. In two cases where a vulnerable person was represented by a lawyer this resulted in prioritisation of their case, with registration happening either on the same day as entry to the RIC or the following day, and the applicant was released immediately following registration. This was the case for two respondents with vulnerabilities, a single pregnant woman with one child, and a single mother with mental health challenges. However, both respondents reported that even travelling to their appointment presented significant challenges.

*“The weather was really cold at the beginning, and they told us that we had to stay up to 25 days in Malakasa. So, it was a very depressing and stressful situation for me. Without [my lawyer’s] help it would have been very difficult for me to even imagine staying in that place for 25 days. It was a very insecure place for me, I never felt safe. If I stayed there without any support or my lawyer, I would have suffered every day. My mental health issues would have worsened, and I would have thought: ‘This is the end of it’.”*

Female respondent from Afghanistan, 29 years



## (C) Vulnerability screenings

Article 41 of Greek law 4939/2022 foresees detection of vulnerabilities and the provision of necessary specialised treatment or support as a core stage of the reception and identification procedure. According to information published by the MoMA, and in accordance with Article 44(d) of the law, vulnerable individuals are identified during the medical check stage, and subsequently receive the appropriate treatment, and special care is taken by the authorities “to ensure to the extent possible that such persons remain at the Reception and Identification Centre [...] in special and accessible premises”<sup>91</sup> and their support needs are met.

According to the MoMA the Unit of Medical Screening and Psychological Support is responsible for carrying out medical checks within the RICs and employs personnel from the Greek national public health organisation (EOΔΥ) to carry out these assessments.

Our research indicates that assessment of vulnerability within the screening procedure is inadequate for a number of reasons. Overall, 71% of respondents who underwent screening in a RIC without being represented by a lawyer said that they were not asked during the screening process if they had a vulnerability, indicating that at a minimum people undergoing the procedure do not understand if they are asked about vulnerabilities, do not feel able to disclose information relating to sensitive and personal issues (e.g. past experiences of torture or sexual violence), and/or these questions may be skipped or not properly delivered. 100% of people who had a recognised vulnerability and underwent screening without being represented by a lawyer, reported that they did not feel adequately informed of their right to specialised support during the procedure. A respondent reported that he did not feel comfortable mentioning his vulnerability to staff working at Malakasa RIC during his two-week detention at the facility, despite suffering from severe PTSD following previous experiences of detention and being a survivor of torture.

*“I couldn’t communicate with any person [at Malakasa RIC] because I was scared and the space was small. I don’t like small spaces with a lot of people because it reminds me of the detention centres back home... I didn’t understand anything and I didn’t have anybody to ask. [...] My feeling was confusion, because I had expectations like when I get to this place I will have my freedom. The first steps I took in this country put me in prison.”*

Male respondent from Sudan, 35 years

Concerns about assessments being rushed, incomplete and not carried out by staff with the requisite capacity and training to assess vulnerability, were highlighted in interviews with Greek lawyers. Lawyers further highlighted that less visible vulnerabilities - including mental health related vulnerabilities - are more likely to go undetected due to lack of proactivity and expertise within the current screening process.



## **(D) Lack of access to information and legal support within RICs**

As per Greek law (Art. 39, 4939/2022) applicants undergoing reception and identification procedures should be informed, in a language they understand or can be reasonably expected to understand and in an accessible manner, of their rights and obligations during the reception and identification phase, including in relation to the asylum procedure and the internal rules and operations of the RIC. The provision of this basic information constitutes the first phase of reception and identification as outlined in the law. As designated in Article 44(g), the authorities must additionally ensure that persons undergoing reception and identification procedures are able to maintain contact with CSOs which may provide legal or social assistance to them.

As of November 2023 the MoMA continues to publicly list<sup>92</sup> the provision of protection services for children, legal services and IT/computer training provided by IOM at Diavata RIC, despite the withdrawal of IOM from all Greek reception facilities on 20th March 2023.<sup>93</sup> At a meeting for CSOs working in the field of refugee and migrant rights in March 2023, UNHCR reported that following the withdrawal of IOM from accommodation facilities on the mainland managed by the RIS, provision of legal counselling and legal aid has been repeatedly reported as lacking in these facilities.

UNHCR delivers information sessions for applicants on arrival in the RICs during twice weekly visits. As per information shared by UNHCR, these sessions include provision of basic information on the stages of the reception and identification and asylum procedures, applicants' rights and obligations, how to flag a vulnerability, and information relating to applicants' stay in the RIC and access to services and material support while there. However, 83% of respondents who underwent the screening procedure and were not represented by a lawyer said that they did not receive information regarding their rights and obligations during the procedure and the internal functions of the RIC. 17% reported receiving partial or misleading information, including one case in which the respondent reported that he was told by the authorities at Malakasa RIC that the screening would be completed within 7-10 days, but was subsequently detained for the legal maximum of 25 days.

In practice our research shows that 100% of respondents reported lack of access to information, translation or legal support while undergoing the procedure within the mainland RICs, significantly impacting their ability to navigate the asylum procedure, understand the reasons for their *de facto* detention, or access legal assistance. 29% of respondents who registered their asylum claim at Malakasa RIC reported that their primary source of information during their *de facto* detention in the RIC was a translator, leading to feeling uninformed about the reception and identification procedure and *de facto* detention period. In one case a survivor of torture was left for two weeks without any contact with the authorities at Malakasa RIC.

***“There wasn’t anybody trying to explain anything to people. There are translators but they don’t really answer these kinds of questions [about the asylum procedure] - they just said you will stay here for 1 day up to 29 days. Nobody helped answer these questions.”***

Male respondent from Syria, 34 years



## **(E) Accelerated procedures within RICs**

Under Greek law (Art. 42, 4939/2022) applications may be prioritised within RICs, including those deemed manifestly unfounded or from applicants from countries which are considered safe countries of origin by the Greek authorities. Three respondents underwent an accelerated procedure within the RICs which included their full asylum interview; in all cases, they reported issues relating to accessing adequate information and legal support prior to their interview, which was exacerbated by their *de facto* detention within the RIC and the lack of actors present within the facility to assist with their asylum case. Concerningly, one respondent reported that their full asylum interview carried out at Malakasa RIC lasted just 10-15 minutes. Reports of truncated procedures in which applicants do not receive adequate legal assistance prior to their full asylum interviews has been reported by RSA.<sup>94</sup>

## Access to facilities for lawyers

### The legal framework

Article 34 of the Greek Lawyers Code guarantees unrestricted access to public facilities for lawyers upon presentation of their professional ID.<sup>95</sup> A December 2022 opinion of the Bar Association of Athens clarified that lawyers are permitted free access to facilities accommodating refugees and asylum seekers without prior notification of camp management.<sup>96</sup>

### The practice

The authorities impose unlawful restrictions on lawyers' access to Greek reception facilities under the administration of the MoMA by requiring them to submit access requests, which must be approved by the camp management prior to entry.<sup>97</sup> The Network of Children's Rights reported<sup>98</sup> that since late 2022 lawyers must provide proof of representation of applicants in order to enter facilities run by the MoMA, and in some cases have been denied access to sites on this basis. One lawyer interviewed for this report shared that they were denied access to Diavata RIC by security staff, despite presenting at the facility with two clients who orally expressed authorisation for the lawyer to represent them; in this case, the lawyer had previously contacted the RIC authorities to request entry, but had not received a response to this request.

## Accessibility of legal services within RICs

Access to legal services for applicants deprived of their liberty within RICs is further impacted by the remote locations of the RICs and the distance required for lawyers to travel from the urban centres of Thessaloniki (Diavata RIC) and Athens (Malakasa RIC). According to information provided on the [Refugee Info service map](#), the [UNHCR services database](#), and the website [w2eu](#), there are approximately nine organisations providing free legal assistance and representation to people seeking asylum in Greece within a 50km radius of Diavata RIC, and 16 organisations providing the same services within a similar distance from Malakasa RIC. Organisations are based in the urban centres and on average at a distance of 12km from Diavata RIC and 38km from Malakasa RIC. As one Greek lawyer reported, applicants may be reluctant to attend appointments at the RICs due to the lack of legal help available at the facilities, and the fact that lawyers are unable to travel there on a regular basis.



## **(F) Lack of access to healthcare and psychosocial support within RICs**

Access to necessary healthcare and psychosocial support is guaranteed for persons undergoing reception and identification procedures under Greek law (Art. 41, 4939/2022). However, our research indicates that while all applicants undergo some form of medical check during the screening procedure within mainland RICs, there are shortcomings in the provision of adequate follow-up treatment following screening, particularly regarding access to psychologists within the RICs.

67% of people who received treatment from an on-site doctor reported being dissatisfied. In most cases, this was due to inability to adequately communicate their medical needs due to a reported lack of interpreters present at the appointment, and/or not being provided with the correct type or amount of medicine. In certain cases, respondents reported feeling that medical checks were rushed and doctors did not provide sufficient follow-up treatment. Despite a high proportion of respondents reporting mental health related challenges during their registration at a RIC, only one person reported that they visited a psychologist during the screening and registration procedure, and had to wait for 10 days to do so despite suffering from PTSD and being a survivor of torture. In several interviews, respondents reported that they did not know whether a psychologist was present at the facility, how to request such support, or did not feel comfortable to do so.

Particularly within Malakasa RIC, lack of access to healthcare provision was linked to reports of challenges in physically accessing the area of the facility where services are present, with respondents detailing their isolation in the accommodation area of the facility and the inability to freely access services when needed.

***“I told them [the authorities at Malakasa RIC] that I did not have a good situation or felt well because I had not taken my medicines yet. There was an interpreter and he said that they responded: “This is not our problem, it is your problem. You should have known that you were coming here, and you should have brought your medicines with you.”***

**Female respondent from Afghanistan, 29 years**

As reported in a meeting with the European Commission in March 2023, lack of doctors within the RICs has at times led to delays in the processing of applicants, increasing the backlog at Malakasa specifically.<sup>99</sup> Insufficient access to healthcare and a lack of doctors has been a chronic issue across Greece’s mainland reception facilities and is a widely reported practice in PRDCs.<sup>100</sup>





## (G) Living conditions in the RICs

Under Greek law applicants undergoing screening should be provided with decent living conditions (Art. 44, 4939/222). However respondents frequently reported poor conditions in the RICs, resulting in a significant impact on their psychological well being, including cases of retraumatisation as a result of prison-like facilities.

### ➔ (i) Accommodation

According to the MoMA<sup>101</sup> applicants at the RICs are hosted in 'specially designed accommodation facilities'. On the official webpage for Diavata RIC the MoMA lists 'cleaning services' among the support offered to residents there.<sup>102</sup> Nonetheless, 21% of respondents specifically mentioned unhygienic conditions within accommodation facilities at Diavata and Malakasa RICs, with a higher proportion reporting substandard cleanliness at Diavata, including reports of extremely dirty conditions in accommodation containers and mould on mattresses provided to residents (see picture supplied by respondent below). Respondents reported being held in containers which were dusty and in some cases had clothes and food remains from previous residents. A 22 year-old man from Iraq reported overcrowded conditions in his container at Malakasa RIC: "We are eight people in one container. The container has one room and one bathroom. So there are four people sitting in one room - there is no privacy." Two respondents held at Malakasa and Diavata specifically reported that there was not sufficient air conditioning in their containers to mitigate the impacts of the heatwave in Greece during summer 2023.

A respondent with a psychological vulnerability reported that he was placed in a container at Malakasa RIC with people with whom he could not communicate and consequently felt lonely and isolated. The respondent reportedly requested to be placed in a container with a person who shared his nationality and language so he could have someone to talk to, however he reported that the authorities refused to carry out his request.

*Accommodation containers at Malakasa RIC. Photograph by interview respondent.*



Bathroom in accommodation container at Diavata RIC.  
Photographs by interview respondent.



“

The place [container] they took me to [in Diavata RIC] was very dirty, there was no bed, I had to clean the whole place and find a bed by asking people. When I went to ask for a mattress so I could sleep they told me 'we don't have a mattress for you'. It was very dusty, many clothes were just on the floor, it was chaotic. It was old clothes from other people and there were food crumbs.

Male respondent from Algeria, 26 years

The hygienic situation of the camp [Malakasa RIC] was terrible. I asked people who had been there for a while why it was all dirty, and they said no area was clean [...] They said that they had to fight a lot and complain about the hygienic situation.

Female respondent from Afghanistan, 29 years



Mattress with mould on it given to respondent detained at Diavata RIC in February 2023.  
Photograph by interview respondent.



## ➔ (ii) Provision of food, drinking water and basic items

Respondents who registered at Malakasa and Diavata reported that they were provided with sufficient amounts of food - three pre-prepared meals per day at both facilities - and drinking water but several reported that food was very low quality. A higher proportion of respondents registering at Diavata reported poor food quality compared with Malakasa, and in some cases described the food provided there as “disgusting” and “very poor”. 80% of people registering at Diavata reported strong dissatisfaction with the food, a common complaint in reception facilities and detention sites in Greece.<sup>103</sup> One person reported that the staff at Malakasa RIC did not cater to his dietary requirements (vegan) and he was provided with the same meal three times per day.

37% of respondents said that they were not provided with enough basic necessary items including personal hygiene items during their detention at Malakasa and Diavata RIC, despite information provided on the MoMA website stating that residents at Malakasa are provided with basic items “according to daily needs”.<sup>104</sup> For respondents who experienced longer periods of detention, this deprivation of basic necessities had a greater impact on their sense of wellbeing and comfort within the facility.

***“I did not have even the basic things to stay somewhere [when I arrived at Malakasa RIC], [not] even a towel. They didn’t give me anything for the first week - I didn’t have towels, I didn’t have soap, I didn’t even have a toothbrush. I had to spend the first week without anything.”***

Male respondent from Sudan, 35 years

**Pre-prepared meals provided at Malakasa RIC.  
Photograph by interview respondent.**



### (iii) Access to leisure facilities

The MoMA website pages for the RICs of Diavata and Malakasa state that residents have access to “entertainment rooms” at all times of the day.<sup>105</sup> When asked about the availability of leisure facilities at the RICs, no respondents mentioned such facilities. One respondent specified that he was not aware of any facilities for leisure at Malakasa RIC, while others said that the only available facilities in the RICs were sports fields. All respondents with children who were detained at a RIC for screening and registration (31%) reported that they felt the facilities were inadequate for accommodating families, particularly with regard to a lack of safe and age-appropriate spaces for their children to play, and absence of educational provision at Malakasa RIC specifically. In general respondents reported feeling more cut-off from support and services in Malakasa RIC compared with Diavata.



*[Malakasa RIC] was not a safe place for [my daughter] to feel comfortable. Even if she wanted to go out of the container and play outside, when she tried, she immediately ran back because she did not feel safe.*

Female respondent from Afghanistan with one child, 29 years

*In Malakasa [RIC] there was nothing to entertain the children [...] There is a space for sport, but it was only for young men. There was nothing for the children.*

Female respondent from Syria with two small children, 25 years



# CONCLUSIONS AND RECOMMENDATIONS

This report has revealed serious deficiencies in the procedure for registering first instance asylum claims on the Greek mainland, including the policy of 25-day *de facto* detention for asylum seekers, the lack of a standard procedure for vulnerable cases, and the continuation of delays in the processing of asylum applications.

## **The new system for registering asylum claims on mainland Greece imposes blanket 25-day *de facto* detention measures on asylum seekers**

- Despite European Union and Greek law establishing that detention should only be used as a measure of last resort, applicants for international protection are systematically deprived of their liberty in order to register their asylum claims on the Greek mainland;
- The application of blanket detention measures to all applicants has proved to be a deterrence factor, as people must travel to remote and prison-like facilities to register their claim, where they may be detained with limited access to legal support and information to help them understand their rights.

## **The new system for registering asylum claims does not ensure effective access to international protection within the timeframes laid out in Greek and EU law**

- Long-standing issues including a lack of available appointments and translators, unavailability of the online platform for periods extending beyond three months and an inability to function in times of high arrivals has significantly impacted access to international protection on mainland Greece, resulting in delays of up to 11 months in some cases;
- While waiting to book or attend an appointment, people seeking asylum are excluded from legal protection and reception conditions, depriving them of access to basic services including healthcare, and leaving applicants vulnerable to arbitrary arrest, detention and possible removal from Greece.

## **Vulnerable persons are not effectively identified in the new system and the screening process does not ensure that applicants have access to adequate medical and psychosocial support**

- The lack of a standard procedure for the identification and prioritisation of vulnerable cases puts already vulnerable groups at risk of further harm, restricting access to basic services and legal protections;
- During screening applicants undergo inconsistent medical and psychosocial support checks, in some cases leading to their vulnerability going undetected and no follow-up treatment provided;
- Applicants report a lack of psychosocial support within mainland RICs and a deterioration of their mental health during their *de facto* detention - including feelings of anxiousness, depression, retraumatisation and a general sense of not feeling safe.



## Recommendations to the Greek state

- Ensure that all authorities comply with Greek court rulings establishing that people who have booked an appointment at Diavata or Malakasa RIC are legally recognised as asylum seekers and accordingly provided with a document attesting to their right to stay on Greek territory and to receive full reception conditions
- Ensure that any technology used to facilitate access to the asylum procedure is fully functional at all times. In case of technical disruptions, all people impacted should have access to temporary documentation protecting them from police checks and arbitrary detention and be fully informed of their rights
- End the deprivation of liberty of applicants of international protection for the purpose of reception and identification procedures
- Ensure that the deprivation of liberty or use of detention for asylum seekers is only used as a measure of last resort, and in line with international and European human rights standards
- Provide the RICs of Malakasa and Diavata with sufficient staff and resources to ensure efficient access to the procedure and at a minimum complete “simple” registration of claims within the legal maximum of three working days
- Ensure that RICs are equipped to offer clean accommodation, regular and free access to basic items including hygiene products, high quality food and facilities that guarantee alignment with the standards required for dignified living and international human rights
- Ensure that people undergoing the reception and identification procedure at Malakasa and Diavata RICs have timely and adequate access to healthcare, including psychosocial support, medication and adequate follow-up treatment
- Guarantee civil society organisations open access to RICs with the possibility to provide legal support, medical care and distribute food and non-food items inside
- Ensure that vulnerability assessments are carried out consistently and by qualified professionals with the support of a translator
- Ensure that staff at RICs receive training to take account of the particular needs and potential vulnerabilities of asylum seeking populations
- Establish a mechanism to flag vulnerabilities prior to entering RICs to ensure that individual needs can be adequately addressed and special reception conditions can be provided to ensure alignment with EU law
- Establish a formalised procedure for vulnerable applicants to have the option to register their asylum claims in Regional Asylum Offices close to their accommodation

- Guarantee that applicants have effective access to information regarding their situation and rights in a language that they understand
- Ensure that a translator is present in all communications between authorities and people undergoing the procedure in RICs
- Accommodate asylum seekers and refugees in dignified community-based accommodation schemes, which respect their freedom of liberty and from where they can access services and support.



## Recommendations to the European Commission

- Ensure that Greece aligns its practice and domestic legislation with EU provisions
- Abolish the systematic deprivation of liberty for the purpose of registering applicants of international protection
- Given the failings of the Greek reception and identification procedure, delete Article 5 of the proposed Screening Regulation of the New Pact on Migration and Asylum which suggests a similar system to be rolled out across member states
- In case Article 5 of the proposed Screening Regulation is not deleted, in relation to Article 9(1), ALL third country nationals subject to screening procedures, including those submitted to procedures located within member state territories under Article 5, should undergo a medical examination and vulnerability assessment carried out by a qualified professional to ensure timely and adequate support in view of their physical and mental health
- Guarantee that information provided during the screening procedure, as proposed by Article 8(3) of the proposed Screening Regulation, shall be given in a language which the third country national understands.





# ENDNOTES

1. See GCR. 2023. *ECRE Greece Country Report: Reception and Identification Procedure*. Available at: <https://bit.ly/3QiYM1S>
2. See AIDA/ECRE. 2023. *2022 Update AIDA Country Report: Greece*. Available at: <https://bit.ly/3FM4Vlr>
3. See *ibid* and Mobile Info Team (MIT). 2021. *Lives on Hold*. Available at: <https://bit.ly/3u0WIEt>
4. See MIT. 2022. *Control and Containment*. Available at: <https://bit.ly/3QsuoCi>
5. See MIT. 2022. *Blocked from the System: Voices of People Excluded from the Asylum Procedure on Mainland Greece, Crete and Rhodes*. Available at: <https://bit.ly/47h8A3j>
6. See InfoMigrants. 2023. *Asylum seekers bear the brunt of the Greek housing shortage*. Available at: <https://bit.ly/49ruXFs>
7. See UNHCR Operational Data Portal, updated 29 October 2023, available at: <https://bit.ly/47IYim>
8. See Ministry of Migration and Asylum (MoMA). 2023. *Dimitris Kairides: Reduction of illegal arrivals in October* (translated from Greek). Available at: <https://bit.ly/3SubZHT>
9. See Greek National Commission for Human Rights (GNCHR) first Interim Report, January 2023, available at: <https://rsaegean.org/en/recording-mechanism-of-incidents-of-informal-forced-returns/>
10. See 902.gr. 2023. *The asylum service should be restored immediately* (translated from Greek). Available at: <https://bit.ly/49qoL0n>
11. See Radio Evros. 2023. *In a two-day strike mobilization, the contract employees of the KyT Prison of Fylaki are participating* (translated from Greek). Available at: <https://bit.ly/47hSWEY>
12. See Efsyn. 2023. *Helpless refugees again in Victoria Square* (translated from Greek). Available at: <https://bit.ly/3FIldYB>
13. See The Press Project. 2023. *They are silencing refugees – 80% reduction in interpreters by the Immigration Department* (translated from Greek). Available at: <https://bit.ly/471k0sf>
14. See MoMA, Circular 411695/2021, 24 November 2021. Available at: <https://bit.ly/49BOfrN>
15. See MoMA, Circular 504912/2022, 31 August 2022. Available at: <https://bit.ly/3Ffhdje> The Circular is accompanied by RIS Director Decision “Establishment of two (2) Registration and Transfer Coordination Mobile Units”, 504264/2022, 31 August 2022. Available at: <https://bit.ly/3QqibhJ>
16. See MoMA, Registration appointment application, available at: <https://bit.ly/47kImwO>
17. See MIT. 2022. *Blocked from the System*. Available at: <https://bit.ly/47h8A3j>
18. See MIT. 2022. *Statement on New Registration Procedure*. Available at: <https://bit.ly/3WVXXPA>
19. See Report of meeting between DG HOME and Greek Secretary General for Reception, Mr Logothetis, 16th November 2022. Ref. Ares(2023)2277767. Obtained through FOI request.
20. See Operational Conclusions, 12th Steering Committee Meeting for Migration Management, 25th April 2023. Ref. Ares(2023)3222469. Obtained through FOI request.
21. *Ibid*.
22. See MoMA. 2023. *Important Notice regarding the operation of the Services of the Ministry of Migration and Asylum*. Available at: <https://bit.ly/3ChbDLE>
23. See 902.gr. 2023. *The asylum service should be restored immediately* (translated from Greek). Available at: <https://bit.ly/49qoL0n>
24. See MIT et al. 2023. *Joint Statement: Shutdown of the Greek Asylum Service database leaves people unable to claim asylum and in limbo*. Available at: <https://bit.ly/3SsVUIP>
25. See MoMA. 2023. *Electronic Application Platform For Asylum Applicant Registration Appointment*. Available at: <https://bit.ly/3QLa55q>
26. See Article 6 of the Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast). Available at: <https://bit.ly/3FDjip5>. Hereafter citations in text.
27. See Article 69 of Hellenic Republic Law No. 4939/2022. Available at: <https://bit.ly/47eM6jz>. Hereafter citations in text.
28. See Articles 2(c) and 9(1) of Directive 2013/32/EU and Articles 2(b) and 17(1) of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). Available at: <https://bit.ly/47etZKQ>. Hereafter citations in text.
29. See Court of Justice of the European Union, C-823/21 *Commission v Hungary*, 22-06-2023, para. 43; C-72/22 PPU *MA*, 30-06-2022, para. 80; C-808/18 *Commission v Hungary*, 17-12-2020, para. 97; C-36/20 *VL v Ministerio Fiscal*, 25-06-2020, paras. 93-94.
30. See CtHR AP741/2023, AP721/2023, CtHRCAB AP421/2023, AP382/2023, AP379/2023, AP292/2023, AP164/2023, CtHRCOM AP209/2023.

31. See EU documents Ares(2023)2277767 and Ares(2022)7197303. Obtained through FOI request.
32. See EU documents Ares(2023)2277767 and Ares(2023)3222469. Obtained through FOI request.
33. See intervention by the Greek Ombudsman, 330746/329236/331240/13045, 14-03-2023.
34. See GCR. 2023. *Input by civil society organisations to the EUAA Asylum Report 2023*. Available at: <https://bit.ly/40qyShx> and RSA. 2023. *Registration of asylum applications in the new mainland RIC in Greece*. Available at: <https://bit.ly/40p7mkl>
35. See ECtHR. 2011. Case of M.S.S. v. Belgium and Greece. Available at: <https://bit.ly/3FHUoFO>
36. GCR. 2023. *Administrative courts: The detention of asylum seekers pending full registration, to whom the Ministry of Immigration & Asylum does not recognize the status of applicant, is illegal*. Available at: <https://bit.ly/46UAXyn>
37. The proceedings relate to incorrect transposition of Articles 8, 9 and 11 of Directive 2013/33/EU in Article 40 of Hellenic Republic Law No. 4939/2022. See Efsyn. 2023. *Greece apologises for refugee issues* (translated from Greek). Available at: <https://bit.ly/3ZNZ45v>
38. See Article 5 of European Convention on Human Rights. Available at: <https://bit.ly/3MtuKYi>
39. See I Have Rights. 2023. *The EU-Funded Closed Controlled Access Centre – The De Facto Detention of Asylum Seekers on Samos*. Available at: <https://bit.ly/3QhXTqk>
40. See Greek Ombudsman, ‘Επιβολή περιορισμού ελευθερίας στο Κέντρο Υποδοχής και Ταυτοποίησης Μαλακάσας’, 327045/328337/67645, 12 December 2022.
41. See GCR. 2023. *Updates from the Field May 2023*. Available at: <https://bit.ly/47fTI5p>
42. This history is particularly significant given the current crisis within Greece’s reception system due to a chronic lack of capacity to accommodate registered asylum seekers. See Ella Dodd and Gemma Bird. 2023. *Overcrowded camps at Europe’s borders*. Available at: <https://bit.ly/46YaB4V>
43. See RSA. 2020. *New Malakasa: Inhuman subsistence, nine months on*. Available at: <https://bit.ly/45UkOOo>
44. See RSA. 2019. *Diavata Camp*. Available at: <https://bit.ly/3sbJdkV>
45. See Annelie Boeren. 2021. *Refugees’ experiences in sites of prolonged displacement, liminality, and exception: a case study of the Diavata refugee camp in Northern Greece*. Available at: <https://bit.ly/3FMJNBQ>
46. See Ekathimerini. 2018. *Migrants block northern Greek highway in 2nd day of protests*. Available at: <https://bit.ly/49pN9Pq> and *Migrants block highway to protest conditions at Diavata camp*. Available at: <https://bit.ly/3MwvrzY>
47. See New York Times. 2019. *Rumors of Open Border Prompt Migrant Protests in Greece*. Available at: <https://bit.ly/49kcESg>
48. This infrastructure was added in 2021 by the MoMA as part of similar works in 25 mainland camps. See Solomon. 2021. “We call it ‘modernization’ – reception centers for migrants will be ‘closed’ facilities”. Available at: <https://bit.ly/49pdjSm>
49. See UNHCR. 2023. *Inter-Agency Protection Monitoring of Refugees in Greece*. Available at: <https://bit.ly/40pgPrU>
50. See, for instance, MIT. 2022. *Control and Containment*. Available at: <https://bit.ly/3QsuoCi>; RSA. 2022. *The Greek asylum procedure in figures in 2022*. Available at: <https://bit.ly/3MuFsxU>; GCR. 2023. *Country Report: Identification*. Available at: <https://bit.ly/3SrZ21e>
51. See CtHR AP741/2023, AP721/2023, CtHRCAB AP421/2023, AP382/2023, AP379/2023, AP292/2023, AP164/2023, CtHRCOM AP209/2023) and EU documents Ares(2023)2277767 and Ares(2022)7197303, obtained through FOI request.
52. See RSA. 2023. *Registration of asylum applications in the new mainland RIC in Greece*. Available at: <https://bit.ly/40p7mkl>
53. See forthcoming working paper *Information on the move? An experiment on supporting forcibly displaced people in Greece*, UCL and ETH Zürich.
54. As of November 2023, the MoMA continues to publish a broken link to the application form on its [website](#). An error message is displayed when the link is clicked.
55. See MIT et al. 2023. *Joint Statement: Shutdown of the Greek Asylum Service database leaves people unable to claim asylum and in limbo*. Available at: <https://bit.ly/3SsVUIP>
56. See Court of Justice of the European Union, C-823/21 *Commission v Hungary*, 22-06-2023, para. 43; C-72/22 PPU *MA*, 30-06-2022, para. 80; C-808/18 *Commission v Hungary*, 17-12-2020, para. 97; C-36/20 VL v *Ministerio Fiscal*, 25-06-2020, paras. 93-94.
57. See Council of Europe. 2023. 1475th meeting, 19-21 September 2023 (DH) H46-15 M.S.S. group (Application No. 30696/09) and *Rahimi* (Application No. 8687/08) v. Greece. Available at: <https://bit.ly/49o1KuJ>
58. See GCR. 2023. *Updates from the Field May 2023*. Available at <https://bit.ly/47fTI5p>
59. See UNHCR. 2020. *Space and imagination: rethinking refugees’ digital access*. Available at: <https://bit.ly/3FU0yle> and Equal Legal Aid. 2022. *Digitalisation of the Greek Asylum Procedure*. Available at: <https://bit.ly/3tV7T1g>
60. See Equal Legal Aid. 2022. *Digitalisation of the Greek Asylum Procedure*. Available at: <https://bit.ly/3tV7T1g> and MIT. 2021. *Lives on Hold*. Available at: <https://bit.ly/3uOWIEt>
61. See Report of meeting between DG HOME and Greek Secretary General for Reception, Mr Logothetis, 16th November 2022. Ref. Ares(2023)2277767. Obtained through FOI request.
62. Additionally, there is no screening in the online platform for Dublin cases nor for separated minors that are accompanied by a non-parent relative. See Network for Children’s Rights. 2023. *Input by civil society organisations to the EUAA Asylum Report 2023*. Available at: <https://bit.ly/40mfXEF>
63. See MIT. 2022. *Statement on New Registration Procedure*. Available at: <https://bit.ly/3WVXXPA>

64. See RSA. 2023. *Registration of asylum applications in the new mainland RIC in Greece*. Available at: <https://bit.ly/40p7mkl>
65. See ASGI and Spazi Circolari. 2023. *Asylum in Greece: a pre-announced blockade*. Available at: <https://bit.ly/3FMYkV4>
66. See MIT. 2022. *Blocked from the System*. Available at: <https://bit.ly/47h8A3j>
67. See GCR. 2023. *ECRE Greece Country Report: Conditions in Reception Facilities*. Available at: <https://bit.ly/3StZwnQ> and GCR. 2023. *Reception of asylum seekers in Greece: the demand for humane conditions remains*. Available at: <https://bit.ly/3MxRtCw>
68. See Fenix. 2023. *Modern Slavery and Human Trafficking of Forcibly Displaced Persons in Greece and Türkiye*. Available at: <https://bit.ly/3QKrNUL>
69. See MIT. 2022. *Blocked from the System*. Available at: <https://bit.ly/47h8A3j>
70. See PICUM. *Press Release: Exploitation on Greek farms: Council of Europe closes 2013 case with no real change*. Available at: <https://bit.ly/47hajFP>
71. See MIT. 2021. *The Living Conditions of Applicants and Beneficiaries of International Protection*. Available at: <https://bit.ly/3StZdtc>
72. See MoMA. 2022. *Factsheet December 2022: Programme 'Financial assistance to applicants of international protection'*. Available at: <https://bit.ly/43JDRLi>
73. See MoMA. 2022. *Statistics: December 2022 - International Protection | Appendix A*. Available at: <https://bit.ly/3mIVrhX>
74. Explanatory note: undocumented people in Greece are entitled to emergency healthcare in hospitals. In these cases the respondents were not able to access treatment as their conditions were not considered as an emergency. See Article 33 of Hellenic Republic Law 4368/2016. Available at: <https://bit.ly/47xbjpN>
75. See Article 33 of Hellenic Republic Law 4368/2016. Available at: <https://bit.ly/47xbjpN>
76. See GCR. 2023. *ECRE Greece Country Report: Conditions in Reception Facilities*. Available at: <https://bit.ly/3StZwnQ>
77. See MIT. 2023. *Prison for Papers: Last Resort Measures Used as Standard Procedure*. Available at: <https://bit.ly/3qg2mRf>
78. See I Have Rights. 2023. *The EU-Funded Closed Controlled Access Centre – The De Facto Detention of Asylum Seekers on Samos*. Available at: <https://bit.ly/3QhXTqk>
79. GCR. 2023. *ECRE Greece Country Report: Reception and Identification Procedure*. Available at: <https://bit.ly/3QIYM1S>
80. See Solidarity with Migrants. 2023. *Complaint by refugees in Ritsona camp*. Available at: <https://bit.ly/3MtVYOq>
81. See RSA and Pro-ASYL. 2023. *The state of the Greek asylum system, twelve years since M.S.S.* Available at: <https://bit.ly/3Fom1MF>
- See also:
1. GCR. 2023. *ECRE Greece Country Report: Conditions in Reception Facilities*. Available at: <https://bit.ly/3StZwnQ>
  2. GCR. 2023. *ECRE Greece Country Report: Types of Accommodation*. Available at: <https://bit.ly/3MtW4FM>
  3. GCR et al. 2022. *Do the human right thing: Raising our Voice for Refugee Rights*. Available at: <https://bit.ly/3Mu5PDP>
82. See Ella Dodd and Gemma Bird. 2023. *Overcrowded camps at Europe's borders*. Available at: <https://bit.ly/4668SjJ>
83. See Border Violence Monitoring Network (BVMN). *Follow Up Statement: Persistence of Greek Police Operations Targeting People on the Move in Thessaloniki*. Available at: <https://bit.ly/3QK10ZL>
84. See Hellenic Police. 2023. *Ανακοινώσεις Γ.Ε.Δ. Θεσσαλονίκης 2023*. Available at: <https://bit.ly/3MztL8X>
85. See The Fire Next Time. 2022. *Greece: Racist sweeping operations in the center of Athens*. Available at: <https://bit.ly/465lnVE> and ECRE. 2023. *Greece: Government Praise Own 'Achievements' on Migration Ahead of Election as Violations Continue, Situation in Closed Controlled Facilities Raise EU Concern and NGO Condemnation*. Available at: <https://bit.ly/3uhTbBT>
86. See BVMN. 2023. *Balkan Regional Report - September 2023*. Available at: <https://bit.ly/3skB5hO>
87. See BVMN. 2022. *You know the procedure, they take all of your clothes off and they search all of your body...doesn't matter if you agree...* Available at: <https://bit.ly/49kh7ob>
88. See BVMN. *They were beating them that hard that I was hearing from them in the middle lorry, with my brother and I remember I just took his hand, he was shaking back*. Available at: <https://bit.ly/3QJRgyv>
89. See RSA. 2022. *Immigration Detention in 2022*. Available at: <https://bit.ly/3u3ttRt>
90. See forthcoming working paper *Information on the move? An experiment on supporting forcibly displaced people in Greece*, UCL and ETH Zürich.
91. See MoMA. *Procedures of Reception and Identification*. Available at: <https://bit.ly/3FHRUeB>
92. See MoMA. *RIC Diavata*. Available at: <https://bit.ly/3QK1f77>
93. See MoMA response to parliamentary question in March 2023, available at: <https://bit.ly/3QKE9gE>
94. See RSA. 2023. *Blatant lack of information and investigation, one month after the shipwreck in Pylos, Greece*. Available at: <https://bit.ly/40o18kW> and *Registration of asylum applications in the new mainland RIC in Greece*. Available at: <https://bit.ly/40p7mkl>
95. See Hellenic Republic Law 4914/2013. Available at: <https://bit.ly/478icOc>
96. See Bar Association of Athens, Opinion No 185, 1 December 2022, 2.
97. See AFP. 2022. *Migrant groups decry 'witch-hunt' as Greece tightens grip*. Available at: <https://bit.ly/3AQdNkU>
98. See Network for Children's Rights. 2023. *Input by civil society organisations to the EUAA Asylum Report 2023*. Available at: <https://bit.ly/40mfXEF>

99. See Operational Conclusions, TF (Task Force) - GR (Greece) Coordination Meeting, 14th March 2023. Ref. Ares(2023)2924004. Obtained through FOI request.
100. See BVMN. 2023. *Dark Rooms, Degrading Treatment and Denial: The Use of Violence in Greece's Pre-Removal Detention Centres*. Available at: <https://bit.ly/3QoM55Y>
101. See MoMA. *Reception and Identification Centres (RICs)*. Available at: <https://bit.ly/3QNczQ1>
102. See MoMA. *RIC Diavata*. Available at: <https://bit.ly/3QK1f77>
103. See MIT. 2023. *Prison for Papers: Last Resort Measures Used as Standard Procedure*. Available at: <https://bit.ly/3qg2mRf>  
and Efsyn. 2022. *Sick refugees without ESTIA* (translated from Greek). Available at: <https://bit.ly/49pPeec>
104. See MoMA. *RIC Malakasa*. Available at: <https://bit.ly/40re7IF>
105. See MoMA. *RIC Diavata*. Available at: <https://bit.ly/3QK1f77> and *RIC Malakasa*. Available at: <https://bit.ly/40re7IF>



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