

7. *Country Profile: Greece*

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7.1. Introduction

The information gathered in this profile is based on the following sources:

- Responses returned by the Greek Ministry of Public Order and the Ministry of Health and Welfare to the questionnaire prepared by PLS RAMBØLL Management. Both Ministries have subsequently reviewed the draft profile and pointed out a small number of factual errors and misunderstandings, which were then subsequently corrected.
- Background documentation, including English translations of the most recent presidential Decrees as well as (mainly UNHCR) statistics.
- Information gathered during visits and interviews with key actors in the Greek asylum procedure.

The following persons and institutions were visited:

The Ministry of Public Order, Hellenic Police Headquarters, Police Order and Security Branch, Aliens Division:

Mr. Stefanos Kapsomenakis, Head of Office

Mr. Dimitrios Galatoulus

The Ministry of Health and Welfare:

Mr. Konstantin Kladouras, Adviser

Greek Council for Refugees:

Ms. Marina Myriantopoulos, Director

Ms. Hari Brissimi, President

Ms. Sophia Hiras, Head of Social Services

Ms. Sissy Sykiotou, Head of Legal Protection Unit

UNHCR Greece:

Ms. Emmy Takahashi, Deputy Representative.

7.2. Background information on Greece

7.2.1. Trends in number of asylum applicants from 1990-1999

The number of asylum seekers in Greece has fluctuated somewhat during the last decade. The peaks have occurred in 1990, when 6,170 persons applied for interna-

tional protection¹ and in 1997, when 4,380 applied. Otherwise, the number has fluctuated between 800 and 2,000 a year and the Ministry of Public order states that the “normal” figure is about 1500. The figure in 1997 and 1998 of more than 4,000 is explained with reference to international developments. In 1999, 1,528 persons applied for asylum.

7.2.2. Trends in number of asylum seekers granted refugee or humanitarian status from 1990-1999

The rate of decisions giving refugee or humanitarian status to applicants has varied during the decade, but has never exceeded 20%. In 1990, 19.4% or 1,140 persons were granted convention status. In 1991 – 1993 the rate was around 5%. From 1994 to 1995 the rate rose temporarily to more than 10%, but after 1996 it fell below 10% again. In 1999 146 persons were granted refugee status, a rate of 9.6%. During the first eight months of 2000, 1894 persons applied for asylum and 167 persons were recognised as refugees. The number of persons who have been granted humanitarian status has remained quite stable: 1997: 638, 1998: 444 and 1999: 419². This status was not introduced before 1997 when 70 were recognised.

7.2.3. Changes in the country of origin of applicants and refugees³

Greece receives asylum seekers from a wide variety of nations, but throughout the period, Iraq has remained the main source of asylum applicants, followed by Turkey, Afghanistan and Iran. Iraq alone accounts for more than half of the applications and in 1999 Iraq, Turkey, Afghanistan and Iran together accounted for 85% of asylum seekers. However, the same four countries accounted for only 75% of the refugee statuses granted. All interviewees report that a large share of the Iraqi, Turkish and Irani asylum seekers are Kurds, but no statistics are available on this. The recognition rates in 1999 were as shown in the table below:

Table 7.1: Rates of status granted for the most important source countries, 1999

Country of origin	Applicants as a percentage of total number of applicants	Ratio of status granted to number of applicants, %
Iraq	59.3	3.3
Iran	4.8	22.9

¹ Source: UNHCR Country Profile – Greece 1999

² Source: Ministry of Public Order

³ Sources of this section are: Figures for 1999 and the first three months of 2000 supplied by UNHCR Greece and ECRE Country Report 1998 which uses statistics supplied by the Ministry of Public Order.

Turkey	12.8	17.9
Afghanistan	7.6	24.1

The remaining applicants come from a very wide range of countries. These have grown over the years; by the end of the 1990s they included former Soviet republics and the former Yugoslavia, as well as a growing number of African countries plagued by civil and tribal wars.

7.2.4. Costs

There is little aggregate information available on the costs to the Greek state or others (NGOs) of the reception of asylum seekers. However, the introductory comments to the Presidential Decree 61/1999 stated that the implementation of the Decree was at the time expected to generate expenses to the National Budget of Greece amounting to approximately EUR 1.2m. in 1998 and approximately EUR 7m. in 1999 and the following years.

The cost of running Lavrio is the component most easily accounted for, but it should be borne in mind that only a small fraction of asylum seekers go to Lavrio. According to the Ministry of Health and Welfare, the average daily cost per person residing at Lavrio in 1999 equalled approx. GDR 3,000 or EUR 8.77. As there is no rental cost (the State owns the building), the cost includes the maintenance costs of the structure, energy consumption, food and clothes, plus access to counselling, health care, activities etc.

A large share of the cost of reception is covered by the NGOs who in turn receive subsidies from the Greek Government, from EU and the UN in addition to other sources⁴. The Ministry of Health & Welfare does not fund the regular expenses of NGOs, only specific programmes. In 1999 the Ministry spent GRD 65 m. on the co-financing of programmes (20-40% of the total cost of each programme). These programmes were usually approved by the European Commission.

For their regular expenses, NGOs have until now received funding from the State Budget through Prefectures and through UNHCR's Programme for Greece. The exact figures, even if they could be obtained, would have little bearing on the costs of re-

⁴ For example the Manpower Organisation has cofinanced training measures, just as the General Secretariat of Popular Education has co-financed Greek Language courses in the past.

ception as most NGOs deal with other target groups as well, so spending for refugees let alone asylum seekers cannot be identified from accounts.

The table below summarises the composition of the costs relating to reception (excluding the cost of the asylum procedure itself) and who finances them.

Table 7.2: Cost of benefits offered to asylum seekers

Type of benefit	Cost	
	State	Others
Accommodation	1998: 318.4 million Drachmas (approx. EUR 947,000). Financed by the Ministry of Health and Welfare. Cost of running Lavrio ⁵ .	No aggregate figures available.
Means of subsistence	No state subsidies. Residents at Lavrio get meals, clothes etc. as necessary.	No aggregate figures available. GCR have programmes for vulnerable groups of asylum seekers.
Education	N/A ⁶	No aggregate figures available. Residents at Lavrio are offered education programmes by ISS.
Labour market related activities	N/A4	No aggregate figures available.
Health care	N/A4	No aggregate figures available.
Total cost	N/A	N/A

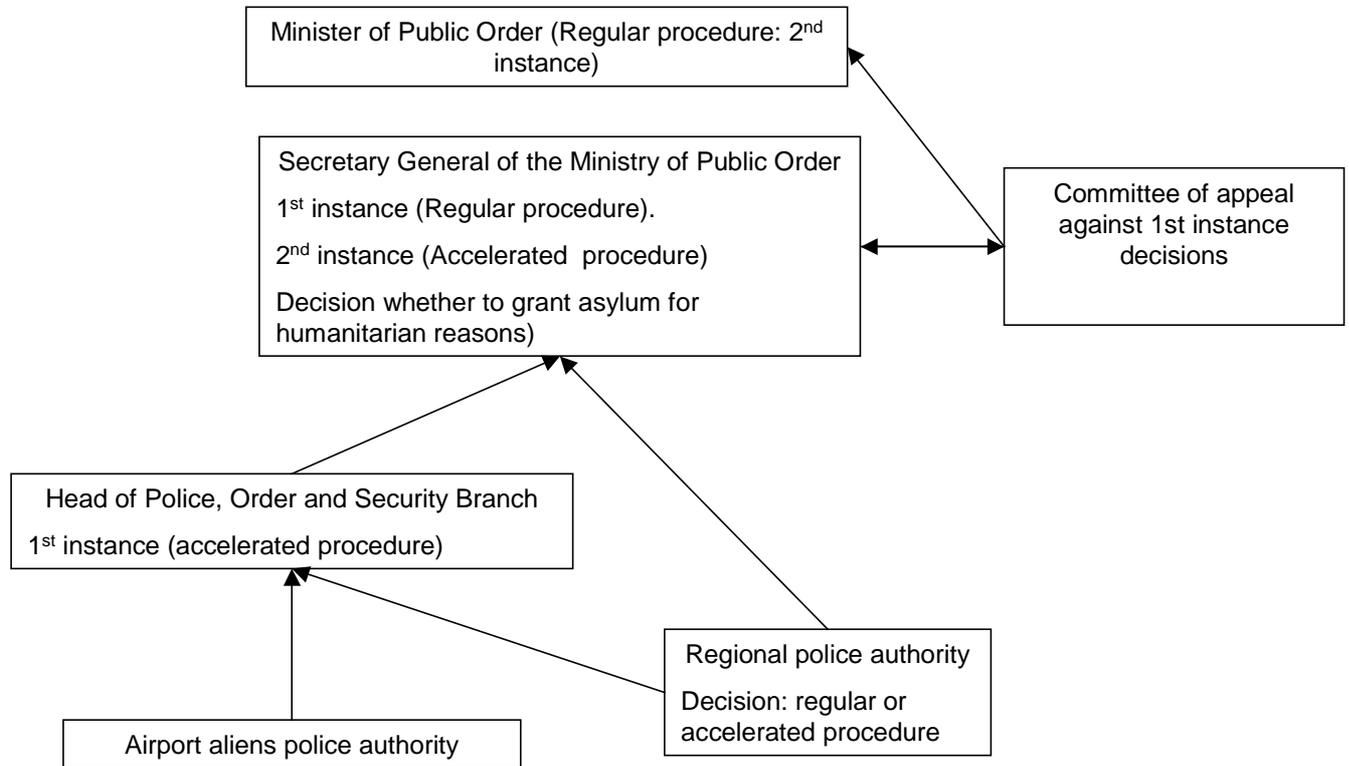
⁵ Given that 250 persons occupy Lavrio continuously, a rough estimate of the person/day cost gives EUR 10.5.

⁶ Figure not available. Asylum seekers have access to education and free health care, but participate in the ordinary state system available to Greek citizens and hence are not separately accounted for.

7.3. Organisation of asylum procedure

7.3.1. Overall organisation

Figure 7.1: Main official institutions and organisations involved in the asylum procedure



The local police services are the competent authorities to interview the applicant and to start the asylum procedure, and also to propose whether to apply the normal or the accelerated procedure. Local police register the asylum seekers and obtain their application and supporting documents, which are then transmitted to the central authority of the Ministry of Public Order (The Aliens Division).

Negative decisions by the Central Authority of the Ministry of Public Order can be appealed. The appeal is lodged with the competent police authority in the asylum seeker's place of residence or temporary stay. This authority is obliged to transmit the application as soon as possible to the competent service of the Ministry of Public Order. Pending an appeal, asylum seekers cannot be expelled from Greece. The appeal is brought before a six-member committee, which consists of:

- The Legal Adviser of the Ministry of Public Order (chairman)

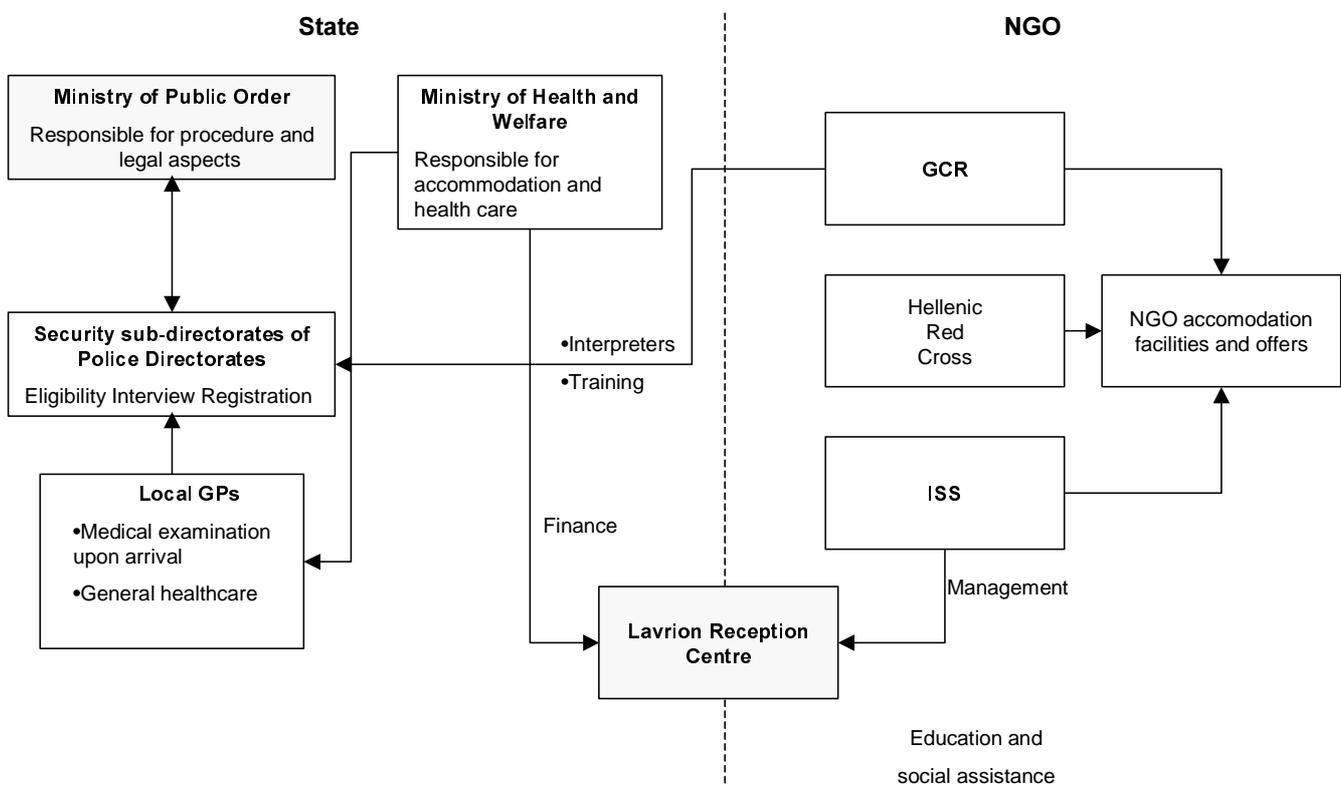
- The Ministry of Foreign Affairs “solicitor”
- A solicitor of the same Ministry⁷
- A senior-ranking police officer
- A representative of the Bar Council
- A representative of the Council of the UNHCR’s Legal Protection for Refugees in Greece.

The Committee prepares a majority recommendation to the Minister of Public Order, who accepts or rejects the appeal.

7.3.2. Other organisations involved in the reception of asylum seekers

The diagram on the next page shows the involvement of the most important actors in the reception of asylum seekers. In addition to the Ministry of Public Order and its regional and local services, such organizations include the Ministry of Health and Welfare as well as UNHCR and a number of Greek NGOs.

Figure 7.2: Organization chart of the main institutions and organisations involved in the reception of asylum seekers



⁷ This is the wording of the answer to the questionnaire. It is not wholly clear which Ministry is referred to here.

The organisations involved in the asylum procedure include:

The UNHCR

The UNHCR undertakes monitoring of legislation and reception conditions. The UNHCR is informed about the outcome of all asylum cases. Also, the UNHCR is represented on the appeals Committee. Among other things, the UNHCR finances the training of school teachers.

The Greek Council for Refugees

Runs social and benefit programmes for asylum seekers for whom a positive application outcome is expected. Also supplies interpreters and runs training programmes for police staff.

Greek Red Cross

Day-to-day management of Lavrio reception center.

The International Social Service

Runs social assistance programme and education at Lavrio.

In addition to these actors, the following organizations provide asylum seekers with different kinds of aid according to the specific programmes of the organization.

- Social Work Foundation
- Amnesty International
- The International Organization of Migration (IOM)
- The Medical Centre for the Rehabilitation of Torture Victims
- Doctors Without Frontiers (Mediceins sans Frontiers)
- The Doctors of the World (Mediceins du Monde)
- The Centre for Support of Repatriated Immigrants (INTO-HELLAS)
- The Network for the Support of Immigrant Refugees

These bodies closely with the respective governmental authorities.

7.4. Legal basis

7.4.1. Main legislation

The Greek legal framework is founded on two main laws, which bring the Geneva and Dublin conventions into Greek law. In addition to these, the Aliens Act and a number of Presidential Decrees govern the conditions. According to the Greek system, Acts have to be implemented by means of Presidential Decrees. The present framework consists of the following documents:

- Law 3989/1959 (Geneva Convention of 1951)
 - Amended by Law 389/1968 (New York Protocol of 1967)
- Law 1975/1991 (Alien's Act), art. 24 and 25
 - Amended by Law 2452/1996 (replacement of art. 24 and 25 of Law 1975/91 which deal with refugees). Articles 1 and 2 of the law 2452/96 lay down the requirements and procedure for providing assistance both to recognized refugees and to those who have submitted a request for refugee status. The circumstances applicable to the temporary protection of aliens who enter the Greek territory because of circumstances outside their control (force majeure) are also laid down. Finally, the law provides for the stay for humanitarian reasons of aliens whose request for asylum has been rejected outright by decision of the Minister of Public Order.
 - Amended by Law 2646/1998 (art. 32, partially amending art. 1, par. 2 of Law 2452/96)
- Law 1996/1991 (Dublin Convention)
- Presidential Decree 189/1998 (regulation of labour matters) The Presidential Decree lays down the requirements and procedure for granting work permits to recognized refugees, persons seeking asylum and those staying temporarily for humanitarian reasons.
- Presidential Decree 61/1999 (regulation of procedures for recognition and deportation, family reunification, cooperation with UNHCR).
- Presidential Decree 266/1999 (regulation of the Lavrio Reception Centre, as well as the social protection of recognized refugees and persons with humanitarian status).
- Ministerial Decision of 15th July (regulation of the access to health care for different groups of aliens).

7.4.2. Recent legislative changes

The last major reform occurred in 1998-1999 with the Presidential Decrees 189/1998, 266/1999 and 61/1999. The latter came into force in June 1999. The new regulations were intended to bring the Greek legal framework more closely into line with the requirements of the international conventions and with EU requirements and definitions. The reform had the following elements:

- (a) Broadening of the asylum seeker definition. The new legislation defines as an asylum seeker any person requesting not to be deported to another country for fear that he might be persecuted, according to article 1A of the Geneva Convention of 1951. Also, those foreigners entering Greece according to the Dublin Convention of 15-6-90 ratified by the law 1996/91.
- (b) Provisions for the Minors Public Prosecutor to act as special temporary guardian for unaccompanied minors aged between 14-18 pending the asylum procedure.
- (c) Designation of the authorities responsible for reception of asylum requests and a description of the first actions to be taken to initiate the procedure.
- (d) Specification of a procedure for examining applicants and a specification of the required qualifications of the personnel charged with interviewing asylum seekers.
- (e) Description of the actions required from the regional Services of the Ministry of Public Order, who are responsible for receiving the relevant asylum documents, as well as from their superior Services, by whom documentation will be submitted to the Central Service of the Ministry for a final decision regarding the asylum request.
- (f) Provisions for an accelerated procedure for examining asylum requests, taking into consideration the resolutions of 30/11-1/12-1992 of the EU Immigration Ministers concerning the meaning of “evidently unfounded asylum requests” and “safe third country”. Also, provisions for re-examination of asylum claims rejected in the 1st instance.
- (g) Changes in the composition of the Committee of Appeal that examines all appeals. The new Committee includes representatives of non-governmental bodies under the chairmanship of the Legal Adviser of the Ministry of Public Order.
- (h) Provisions for family reunion and for cancellation of Residence Permits.
- (i) Provisions for granting temporary residence permit for humanitarian reasons in cases where the asylum request has been rejected.

7.4.3. Planned changes

At the time of visiting Greece, a proposal was underway to replace the Alien's Act 1975/1991. It will be introduced into Parliament by the Minister of Interior, Decentralization and Public Administration in the near future.

The background of the new act is in part the need to modernize legislation after a decade. Also, the proposal may be seen as a response to new EU trends regarding third country nationals.

At the same time, Greece has witnessed a steady and large illegal influx of aliens from neighbouring countries into Greece who are either in (illegal) transit on their way further into Europe or who are looking for temporary employment and hence have no intention of seeking refugee status.

7.4.4. Types of statuses granted

Two types of status are possible under Greek law:

1. Convention status
2. Temporary protection for humanitarian reasons

The majority of statuses granted are temporary protection for humanitarian reasons.

Temporary protection for humanitarian reasons is offered only to asylum seekers whose claim has been rejected because they do not fulfill the criteria laid down in the 1951 Convention. These asylum seekers may apply for a (renewable) residence permit of 1 year's duration if they manifestly have legitimate reasons for not being able to return to their country of origin for the time being (including force majeure situations).

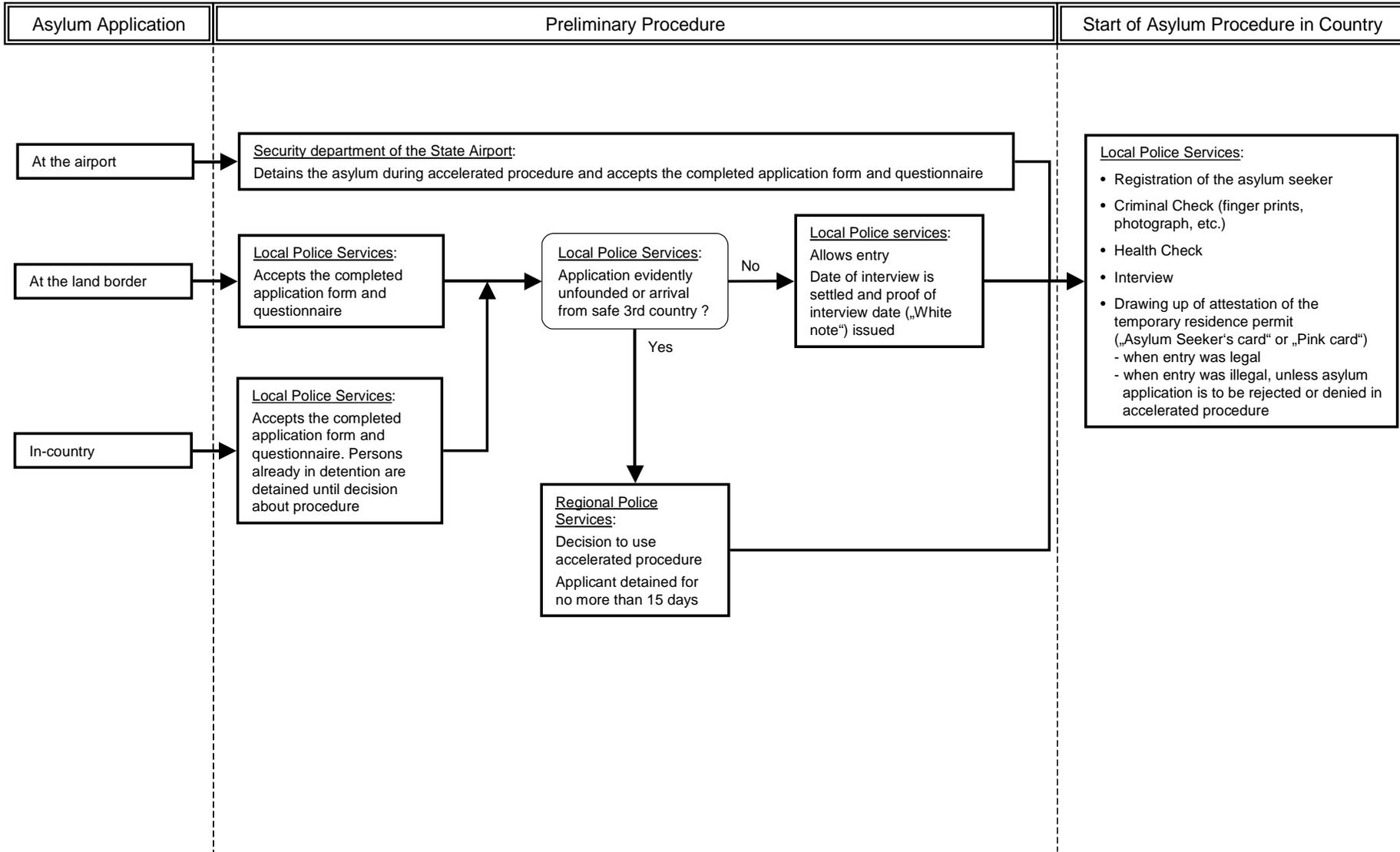
7.5. Arrangements immediately upon arrival

7.5.1. Main procedures and arrangements

The figures below illustrate in detail the procedures and arrangements immediately on arrival and after a person has been identified as a person seeking protection in Greece.

Figure 7.3: Overall presentation of the asylum procedure

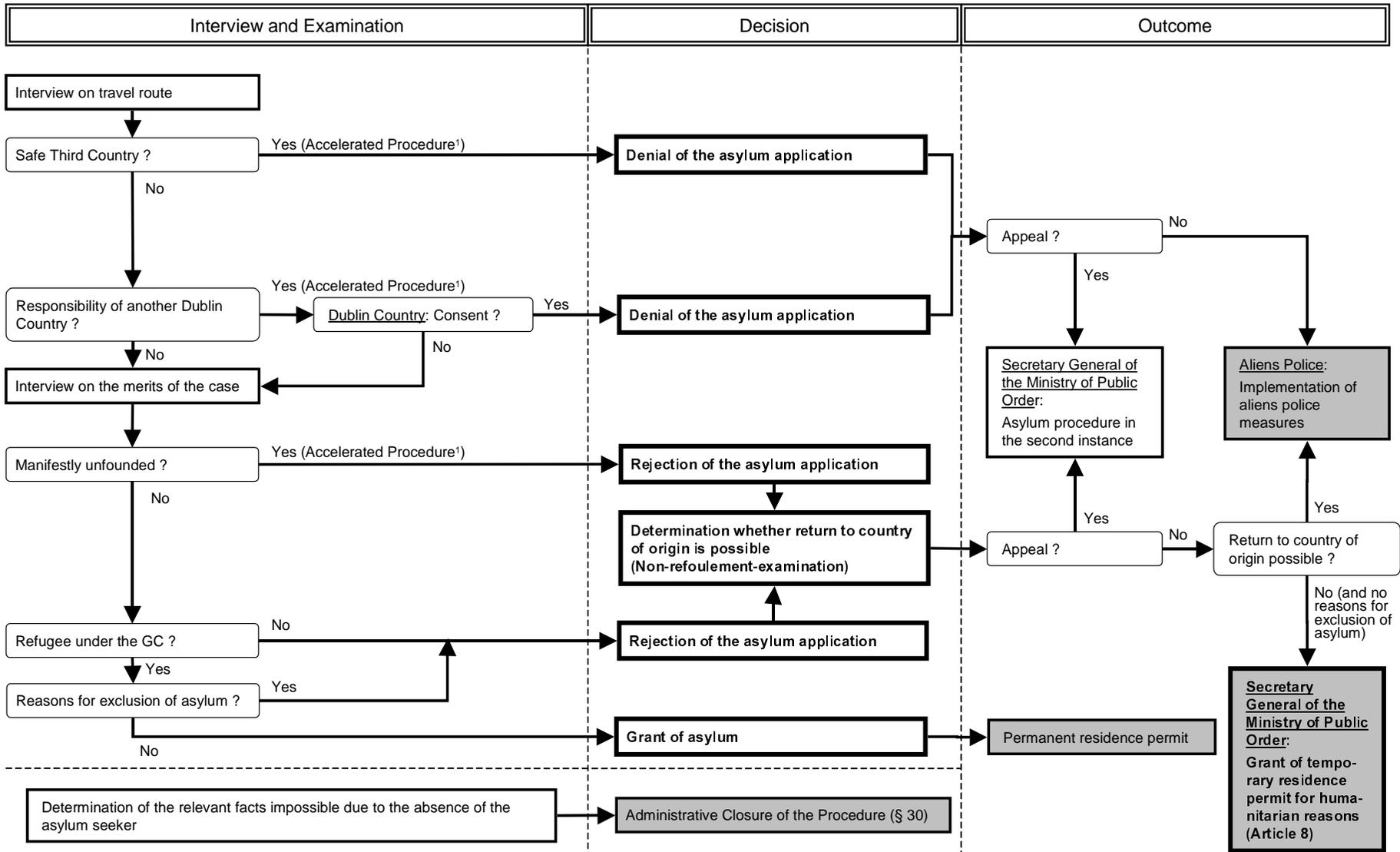
Start of Asylum Procedure



Key: Step in procedure Decision Examination/Alternatives Final Outcome

Figure 7.4: Asylum procedure in the first instance

Asylum Procedure in the First Instance

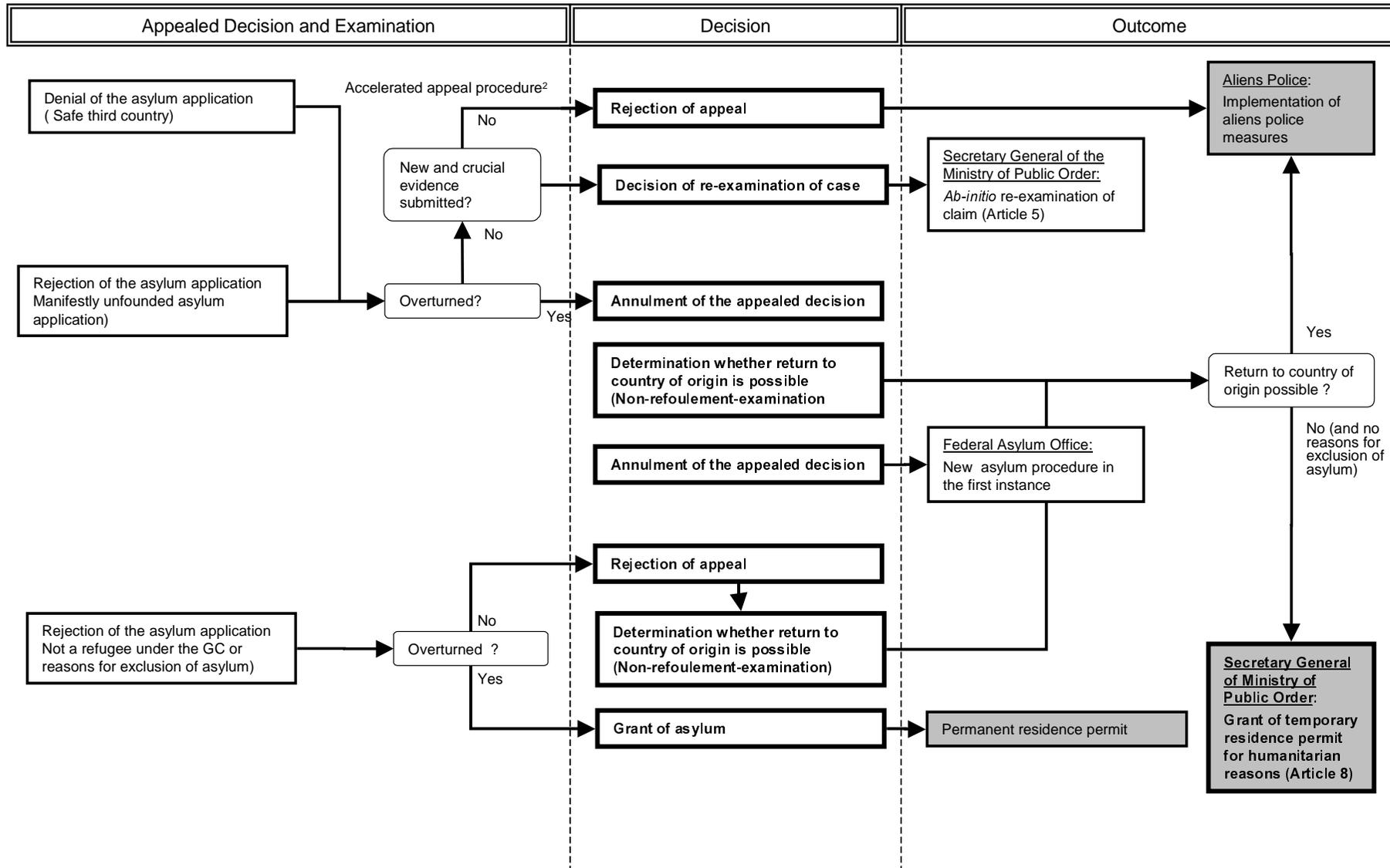


¹ Accelerated Procedure:

- Immediate decision by the Federal Asylum Office
- For asylum seekers who made their application at airports detention is possible for more than a week
- No temporary residence permit, if entry was illegal
- The regulations of the aliens act on the application of the order to detain for removal are applied, if entry was illegal
- Accelerated appeal procedure

Figure 7.5: Asylum procedure in the second instance

Asylum Procedure in the Second Instance



² Accelerated Appeal Procedure:
 - Time limit for appeal: 10 (instead of 14) days
 - Time limit for decision: 10 working days

As figures 7.3, 7.4 and 7.5 illustrate, the procedure varies depending on where the asylum seeker is first in contact with the Greek authorities: In port/airport or at a land border/incountry. Also, the practical measures vary according to whether the application is submitted in Athens or not. Finally, the practical procedure may vary according to whether asylum seekers arrive as individuals or families or whether they arrive in a larger group.

7.5.2. Individuals arriving in Greece

In Greece, the preliminary procedure deserves particular attention, as asylum seekers have no formal rights before the start of the proper asylum procedure. During this period, the applicant may be kept in detention until an appointment has been made for a registration interview with the alien police. However, most frequently, the applicant is in practise allowed to enter the country. If (s)he applies first in Athens, the Aliens' Department issues a "white note"⁸ indicating the date and time of the interview. This note does not confer any status or rights to the holder; nor does it give the holder any rights concerning accommodation, labour or health. During this "white note period" which according to UNHCR and GCR may last for up to 6 months, entrants are usually not detained, but are left to fend for themselves with no legal status allowing them to seek accommodation or to take up work. Only asylum seekers who are considered particularly vulnerable⁹ may be sent directly to the Lavrio Centre (see below)¹⁰.

Generally, asylum claims are dealt with in a two-instance procedure. The first instance differs according to whether the regular procedure or the accelerated procedure is adopted. In the first case, the first instance is the Secretary General of the Ministry of Public Order; in the latter case, it is the Head of the Division for Police, Security and Order of the Ministry of Public Order. The content of the examination, however, is identical in both procedures. Both include interviewing of the applicant with the help of an interpreter. Before the interview, the applicant may be given reasonable time to prepare himself and to ask for the help of a lawyer, who will assist him during the procedure.

Usually, asylum seekers who make the asylum applications at the borders other than at a port or airport enter Greek territory. As long as their application is examined, they

⁸ This note is issued in Athens **only** because of the very large number of applicants there. The note serves to establish the legal residence of the applicant.

⁹ Frequently, GCR or UNHCR will assist the local alien police in this evaluation

¹⁰ Provided that a place is available at Lavrio.

cannot be deported. The asylum applicant's card ("Pink Card") which is valid for 6 months (renewable) provides them with free hospital and medical treatment, access to the labour market, training of their family members, as well as their entry and stay at the reception center for refugees until the final decision is taken. Applicants carrying the pink card are free to move around the country provided they keep the police informed about their whereabouts.

The second instance (which is viewed as the main one, since the majority of applications are rejected in the first instance) also differs according to the procedure adopted. In the regular procedure, the Minister of Public Order takes second instance decisions, while under the accelerated procedure, the Secretary General of the Ministry of Public Order is competent to overturn or uphold the decision taken in the first instance. However both the Minister and the Secretary General will act on the recommendation of the Appeals Committee. The applicant has the right to appear before the appeals committee in person or be legally represented.

If the second instance issues a negative ruling, the asylum seeker can be prepared for deportation if a safe return is possible. Otherwise the asylum seeker may be permitted to stay temporarily for humanitarian reasons for up to one year (renewable), provided that the asylum seeker can document (a) inability to return due to force majeure, or b) that (s)he fulfils the requirements of the non-refoulement-clause of the European Convention on Human rights and Protection of Fundamental Freedoms or of the New York Convention Against Torture.

7.5.3. Mass arrivals

When there is a mass arrival of potential asylum applicants, mainly at one of the islands or in a border region, the state machinery, the prefectural authorities, and the bodies of the local government according to the Article 1 and 6 of the P.D. 61/99 provide for the distribution of an information leaflet in a language that the applicants understand. This leaflet, which is issued under the care of the Ministry of Public Order, describes the procedure for the examination of asylum applications, the rights and the obligations of an asylum applicant, with a special reference to his obligation to cooperate closely with the competent authorities, and the consequences resulting from not complying with the regulations. In this situation, the organizations and the bodies helping the refugees in the country with which the UNHCR cooperates closely, give the applicants every possible help in relation to reception, housing, feeding and medi-

cal care during their stay and until the Central Authority receives their request for further examination.

7.5.4. Time frames

The time frames for the procedures are as follows:

1. Accelerated procedure, airport case: The examination time, when the applicant is at a port or airport, cannot exceed fifteen days. However, if their application has not been examined within the estimated time, they are permitted to enter the Greek territory without passport formalities, in which case the duration of the examination procedure approaches six months. The deadline for appeal before the Secretary General of the Ministry of Public Order is five days.
2. Accelerated procedure, other cases (evidently unfounded or safe 3rd country): The time of appeal is ten days.
3. Regular procedure: First examination by local police should be completed within three months. The average time for the examination of the asylum applications, taking appeals into account, is 14-16 months. Appeals must be made within one month after the decision is communicated to the applicant. If the asylum application is rejected at the B stage, the applicant is usually granted a period of three months in which to leave Greece voluntarily.

However, he/she has the right to make a new application, this time for humanitarian reasons. Taking all these proceedings into account, the Ministry of Public Order estimates that the whole procedure may approach two years.

If the applicant is detained for deportation, the average time from application date to date of deportation is reduced considerably, depending on any appeals made by the applicant. In any event, the average time does not exceed 3 months.

7.6. Accommodation

In order to explain properly what accommodation is available to asylum seekers and refugees, a brief description of the situation concerning housing in Greece is appropriate. In Greece, almost all accommodation (about 80% according to ECHP, a household survey panel employed by Eurostat) is owned by private persons (mainly the inhabitants), and there is no public housing. Hence, the state or other public authorities have no housing which can be set aside for refugees or similar. Conse-

quently, an offer of accommodation is an offer to stay in a public facility (which at present is Lavrio). If the asylum seekers are judged too wealthy to be given a place at Lavrio, they will have to find accommodation on the private market. In this case, the NGO-run programmes may offer rent subsidies¹¹, whereas the state gives direct rent subsidies only to aliens of Greek origin returning to stay in Greece.

The Greek state has at its disposal at present only one state run facility, the Lavrio Centre outside Athens. See table below.

Table 7.3: Accommodation

Number of reception centres	- "Lavrio", financed by the Ministry of Health and Welfare, regulated by Presidential Decree and run by the Hellenic Red Cross.
Capacity of reception centres	Lavrio: Maximum capacity is 350, provided that all rooms are full. In reality, rooms are often inhabited by families with fewer members than the maximum capacity, which means that the centre will be full for practical purposes at 300 inhabitants ¹²
Number of accommodation centres	<ul style="list-style-type: none"> - Lavrio - Nea Makri" run by Hellenic Red Cross, - "Pendeli" run by Medecins du Monde, - "Aspropyrgos" run by HELINAS - A fifth centre has just begun operating (July 2000) in Thessaloniki, by Social Solidarity. - Temporary accommodation facilities, e.g. the Archbishops' Ecumenical Programme "Into Athens" offer accommodation and food to 60 persons. - Temporary accommodation is also offered by GCR and Medecins du Monde using hostels for accommodation¹³. - Ad hoc settlement at Pendeli houses approx. 300 persons, mainly Iraqi Kurds. The settlement is supported by NGOs who have supplied prefab housing units and large tents.
Capacity of accommodation centres	See above
Total capacity of reception/accommodation centres	It is difficult to establish the total capacity, as some facilities have an ad hoc character.
Number of persons accommodated in private housing	Data unavailable.

The Lavrio Centre is financed by the Ministry of Health and Welfare. It serves both as a reception centre and an accommodation centre for refugees. The Ministry of Health

¹¹ Partially financed by the State

¹² Figure supplied by Ministry of Health and Welfare.

¹³ However, GCR screens applicants in order to make its own evaluation of whether the applicant is a potential refugee. Only refugees and potential refugees are given access to GCR services.

and Welfare is responsible for the operation while the Ministry of Public Order is responsible for security issues concerning the Centre.

The day-to-day management and operation of the Centre including the supply of foodstuffs to residents has been transferred to the Hellenic Red Cross while International Social Services is responsible for counselling and preparation of those who are to leave the Centre.

The Centre gives precedence to vulnerable groups of asylum seekers:

- Disabled
- Mentally ill
- Elderly
- Unaccompanied minors
- Single-parent families
- Unaccompanied young women ¹⁴

This observer did not have the opportunity to visit Lavrio¹⁵. The physical standard of the Centre is, however, reported to be somewhat below northern European standards, but in comparison with the conditions which asylum seekers who are not at Lavrio face, as well by comparison with the general living conditions for the poorer segments of the Greek population, the facilities offered at Lavrio are considered to be quite good¹⁶.

At the Centre, the applicants are offered social support, educational programmes including Greek language tuition, mother tongue tuition for children (Kurdish and Farsi), English language tuition for children and adults, legal assistance and counselling. Also, the staff of the Centre arranges cultural events involving the residents.

Names and addresses of reception and accommodation centres

Reception / Accommodation centre	Name and Address	Authority managing	Authority financing	Capacity
Reception and Accommodation	"Temporary accommodation Centre for Aliens Asylum seekers"	International Social Service, Hellenic Red Cross	Ministry of Health and Welfare	300

¹⁴ International Social Service: *Activity Report for 1999*

¹⁵ An appointment had been made but the visit could not take place for various reasons.

¹⁶ According to the UNHCR-representative and GCR

Reception / Accommodation centre	Name and Address	Authority managing	Authority financing	Capacity
	3 Danoukara Str. 19500 - Lavrion Attica			
Accommodation	"Reception Centre for Asylum Seekers and Displaced Persons" 277 Marathonos Ave. 19005 – Nea Makri, Attica	Hellenic Red Cross	European Commission – Hellenic Red Cross	120
Accommodation	"Camp for Asylum Seekers" 9 Aghiou Trifonos str. 15236 - P. Pendeli Athens	Medecins du Monde, Hellenic delegation	Medicins du Monde	300
Accommodation	"Reception Centre for Asylum seekers and refugees" 12 Filipou and Siatistis Str. 54631 Thessaloniki	Social Solidarity	European Commission	90
Accommodation	"Aspropirgos Centre" Patima –Aspropirgos Attica	Hellinas	European Commission	100
Accommodation	Ecumenical Refugee Programme 4A Iridanou Str. Illissia 11528	Ecumenical Refugee programme of the Re-integration Centre for Returning Migrants	European Commission	

Special provisions for specific groups of applicants

- **Unaccompanied minors**

Upon arrival, the Public Prosecutor for Minors is notified in order to ensure that the children/young persons are properly taken care of and receive offers of accommodation and education. If there is no Prosecutor for Minors in the area, the locally competent First Instance Public Prosecutor is notified. This person will then serve as the minor's temporary guardian.

- **Torture victims**

Persons who claim to be torture victims are referred to a specialist who will compile a report on the indications of torture. Torture victims will be offered rehabilitation at the Medical Rehabilitation Centre for Victims of Torture.

- **Mentally ill asylum seekers**

These are referred for diagnosis and treatment to Mental Health Institutions.

- **Disabled asylum seekers**

These are referred to the Medical rehabilitation Centre for the Disabled.

Parallel to the state offer, GCR runs a program for vulnerable asylum seekers to accommodate them in hostels and offer them support in kind (clothes, food). This programme is offered while GCR lawyers consider the asylum seeker's eligibility for UNHCR assistance.

7.7. Means of subsistence

In Greece, there are no legal provisions giving asylum seekers a general right to social assistance in the form of means of subsistence. When a person is registered as an asylum seeker, (s)he has however the right to seek and obtain work¹⁷ as well as the freedom of movement within the borders of Greece.

The reason given for the apparent lack of social assistance is that the asylum seekers should be on a footing with the native Greek population for whom no such assistance is available unless they are insured, disabled or elderly. Therefore, asylum seekers, like Greek citizens, must work for a living. Greece is however at present considering to introduce a minimum income guarantee, which will apply to everybody who legally resides in Greece¹⁸.

In addition, the general relief of poverty in Greece is very much left to private charity and the state relies heavily on NGOs for organising social programmes for the most vulnerable groups in society. This is also the case concerning the reception of asylum seekers, which relies to a large extent on the NGOs to supply all forms of social assistance. The activities of the NGOs are co-financed by the state.

Hence, whereas asylum seekers do not receive state financial assistance, given that they are needy, they may enter a programme run by one of the NGOs. The amounts paid under these programmes are given below¹⁹.

Table 7.4: NGO assistance to asylum seekers – cash

¹⁷ Provided that the particular job is of no interest to Greek nationals, other EU citizens or recognized refugees, see chapter 9.

¹⁸ According to the Ministry of Health and Welfare

¹⁹ Figures supplied by the ministry of Health and Welfare

	SWF ²⁰	HRC ²¹	GCR ²²
Unaccompanied children	No fixed amount, according to vulnerability and needs	No fixed amount, according to vulnerability and needs	42/week
Families		Family head: 23.1/ week Family members 8.4/week	42/week/person
Single adults		No fixed amount, according to vulnerability and needs	42/week/person
Single adults with children			42/week/person

7.8. Access to education

Depending on their age, the children of asylum seekers are required by Ministerial decision to undergo primary education, which takes 6 years, or the first three years of secondary education. This will be confirmed in the new aliens law²³. There have been no changes in this provision in recent years.

However there is a lack of adequate “reception classes” in the Greek schools. Therefore, many asylum seekers’ children attend normal classes, but may have difficulties following the curriculum.

Adults have access to the general education system. It is not known how many refugees hold higher education, but it is agreed that these face difficulties in utilising their educational background in Greece and often end up with low-skilled jobs.

According to the Ministry of Health and Welfare, a large number of asylum seekers express a wish to learn English rather than Greek, presumably because they want to move on instead of settling in Greece.

²⁰ Social Work Foundation

²¹ Hellenic Red Cross. For persons staying at an accommodation Centre.

²² Greek Council for Refugees

²³ According to the Ministry of Health and Welfare

Table 7.5: Access to education

	Children	Adults
Mother tongue tuition	Available, usually from NGOs, but limited availability of courses	-
Language tuition	Always offered. Free, but supply of courses depends on availability of resources. Greek language courses offered usually by NGOs and the State Department of Popular Education.	
Access to primary school	Requirement. 6 years.	Adults have access to the ordinary education system for adults
Access to secondary school	Requirement. First 3 years.	
Access to vocational training	-	Officially no access before refugee status is granted
Access to further education	-	Access to university education

7.9. Access to the labour market

All asylum seekers holding a valid “asylum seeker card” (“Pink Card”) and not staying in a Temporary Residence Centre (=Lavrio) have access to temporary employment in the private sector²⁴ provided that the particular job is of no interest to Greek nationals, other EU citizens or recognized refugees.

According to GCR, such jobs are in fact available for asylum seekers, especially in the countryside and especially in the summertime. These are usually unskilled jobs either in the tourist trade or in the agricultural sector.

Each summer the National Youth Foundation runs a jobs programme for asylum seekers and refugees in co-operation with the state vocational training schools. In the programme, employers are contacted mainly in the agricultural and manufacturing sectors. Training is arranged at training centres, the workers are transported to the workplace and accommodated in the local area in dormitories, schools etc.

²⁴ Public sector jobs are reserved for Greek nationals.

7.10. Access to health care

7.10.1. Who has access in principle

As an overall principle all types of health care have up until now been freely accessible and free of charge for anybody staying in Greece. Hence, there have been no requirements for insurance and no payments involved so far, either for Greek nationals or for aliens, whether the latter are asylum seekers, illegal aliens or tourists.

However, significant changes to this system were introduced on 15 July 2000 concerning the provisions for aliens' access to health care.

The background to the changes is that the attention of the Greek Government has been drawn to the fact that the running costs of health care were growing rapidly. One factor was discovered when it became clear that hospitals and clinics were increasingly sought by aliens from Neighbouring countries carrying tourist visa. These persons apparently visited Greece for the sole purpose of receiving medical care and treatment. For example, there has been a growing incidence of pregnant women from these countries entering Greece with the apparent sole aim of giving birth under free supervision of Greek health staff. On several occasions it emerged that individuals in Neighbouring countries made money arranging such trips to Greece as a business venture.

Consequently, in July 2000 a specific Ministerial Decision (administrative) went into force distinguishing clearly the access to health care of different groups of aliens and making very specific provisions for the checking of documents by medical staff.

The Decision distinguishes between different groups of aliens, each with specific rights to health care.

1. Aliens who explicitly enter Greece in order to receive free health care in hospitals, which belong to the National Health Care System will only be accepted in public hospitals provided that they have obtained the approval of the Minister of Health. They will be admitted into a public hospital only when the ministry has made its decision and has notified the relevant hospital.
2. Aliens who are citizens of countries that have signed/ ratified the European Social Charter, or the Revised ESC, or the 1953 Convention on Medical and Social Care, or bilateral Agreements are offered health care provided that the

patients do not have sufficient funds and they are not covered by an insurance plan.

Individuals of this category who are legally residing in Greece or are legally employed receive health care on the same terms as Greek citizens. Tourists will be provided with the necessary medical care services only in an emergency situation and until their health has been stabilized. For scheduled appointments, individuals will be admitted into a hospital only after they have paid in advance 50% of the estimated nominal cost for the treatment.

3. Aliens temporarily legally residing in Greece (Tourists other than those under category 2). In order for an alien of this category to receive health care (s)he needs to have a valid travel document (i.e. visa) or a temporary residence permit.

In all situations where health care is needed, the standard procedures for the health care payments from Insurance Agencies (if applicable) will be observed. Scheduled hospital admittance can take place if 50% of the estimated cost of treatment has been prepaid by either the Insurance Agency or the individual in question.

4. Aliens permanently (legally) residing in Greece. In order for an alien of this category to receive health care, (s)he needs to have a valid health insurance document, indicating that he/she is insured by one of the Insurance Agencies. For these individuals the present social welfare schemes do not provide them with a document which entitles them - due to their financial weakness – to receive free Medicare. In situations where such aliens are in need of health care and they do not have a document proving that they are covered by a social Insurance Agency, they will receive the necessary care at Hospital's emergency Ward, only until their condition has been stabilized. For scheduled appointments (at a hospital) aliens are obliged to pay in advance 50% of their hospital expenses. In all cases the standard procedure for collecting the medical expenses will be observed.
5. Refugees in the wider sense. Refugees have the right to free health care. However they must present proof of their status (refugee, asylum seeker, temporary residents on humanitarian grounds).

6. **Illegal Aliens.** For this category of patients all the necessary health care services will be approved only in emergency situations and until their health has been stabilized. This category of aliens will not be admitted to public hospitals for non-emergency situations. In any such case the hospital will notify the Police Department so that further legal actions can be taken.
7. **Individuals of Greek Descent.** For individuals of Greek descent to receive free Medicare they need to have a valid document, which entitles them so, at any case, due to their financial weakness. However they must present written proof of their descent.

In addition to regulating access to healthcare, the new regulation improves the monitoring and analysis of the costs of healthcare offered to non-Greeks. The regulation requires that for each alien who seeks treatment in the health system, the staff will have to complete a form containing information about the name of the alien, the type of documents carried and the cost of treatment. These data will be sent to the Ministry of Health and Welfare.

7.10.2. Access to health care in practice

The asylum seeker holding a pink card can consult a local General Practitioner working within the National Health system or a local health clinic on an equal footing with Greek nationals.

There are no specific regulations in Greece to ensure access, e.g. by providing interpretation or other assistance that may facilitate asylum seekers' utilisation of the health care system. However, when an asylum seeker, refugee or person holding residence permit for humanitarian reasons goes to see a doctor or visit a hospital, (s)he is usually accompanied by a representative of one of the major NGOs who may act as interpreter and explain to the asylum seeker what is going to happen and why. This is common practice for NGOs in Greece and is funded by the state as an integral part of NGO programmes.

Some aliens may, however, visit a doctor unaccompanied, and in these cases the access to health care depends to some degree on the willingness of the individual clinic or doctor to deal with non-Greek-speaking persons.

In Lavrio there is a nurse and a doctor available daily. For cases they cannot deal with, the nurse or the doctor escorts the person to the local Health Centre or a Hospital.

Table 7.6: Access to health care – an overview

	Children	Pregnant women	Adults	Victims of torture or rape
Health screening on arrival	Compulsory medical examination in order to establish whether they need medical treatment and/or they carry diseases that may present a danger to public health			
Psychological assistance	Access when holding Temporary Residence Permit - "pink card" - is the same as for Greek nationals			Upon arrival, when a person claims to have been tortured, (s) he is referred to a specialist (see above). This screening is obligatory. Treatment of torture victims takes place in psychiatric hospitals and at the Rehabilitation Centre for Torture Victims.
Enrolment in health care programme	Access when holding Temporary Residence Permit - "pink card" –to health centres, hospitals or other institutions of the National Health System is the same as for Greek nationals. If asylum seekers work, they must be insured by the relevant social security organisation (this is different for each occupation). Accompanied visits are offered by NGOs			

7.11. Rules on detention and other restrictions on free movement

As a general rule and according to Greek national legislation, asylum seekers are not detained. In many cases, however, aliens are arrested for illegal entry, and while the expulsion order is pending, they submit an application for asylum.

In other cases, aliens are arrested for criminal offences and then submit application for asylum.

In the first case, the alien/applicant remains in detention until the definite decision on the application for asylum.

In the second case, the alien/applicant remains in detention or prison until the end of the sentence.

Furthermore, in the "airport procedure", applicants are detained in the reception facility at the airport for up to 15 days while their case is examined.

The asylum applicant has the right to appeal against the decision regarding detention for deportation in order to be granted a residence permit for humanitarian reasons or to be recognized as a refugee. In a positive case, the detention decision is suspended and the person in question is granted a permit to stay for humanitarian reasons or refugee status.

The detention lasts until the completion of the procedure for the examination of his request. Greek law does not establish a maximum length of detention.

Recently the Greek authorities have experienced a number of cases in which aliens residing illegally in the country or aliens accused for criminal offences have applied for asylum. In these cases, it has appeared obvious to the authorities that the asylum application was a mere attempt to cancel or delay an administrative or juridical deportation decision against them and thus prolong their stay in Greece.

However, when an asylum seeker has obtained the asylum seeker's card ("pink card") (s)he is free to move within the national borders provided that (s)he keeps the police informed about her/his movements.

If a person who stays at Lavrio is absent for more than 48 hours with no permit or acceptable excuse, (s) he can no longer stay at the Centre.

7.12. Differences in treatment according to the stage of the asylum procedure and the type of status sought

In Greece, in principle there is no difference in treatment according to stages in the asylum procedure itself. The main differences are those existing between the period before a person seeking protection has been given access to the procedure and the period after the person has lodged the application and a decision has been taken to confer either refugee or humanitarian status or to expel the applicant.

Hence, the following stages can be identified:

- 1. The period between the first contact with the alien police is established and the eligibility interview.**

During this period, the individual has in principle no legal rights.

2. **The period between eligibility interview and first instance decision.**

The applicant is issued with a temporary residence permit (“Pink card”) giving the person the right to take up temporary work, and access to health care, education and social assistance.

3. **The period during a possible appeal**

During this period, the temporary residence permit is withdrawn from the asylum seeker. However, (s)he is still considered a potential refugee and keeps his/her rights including the right to stay at Lavrio, the access to education, work and health care. This status remains until a final decision is issued.

4. **The period between a decision to expel the person and the execution of that decision**

During this period the person may be detained, but detention is primarily used when the person was already detained when applying.

Given the disproportion in the number of illegal entrants and the number of asylum applications, ensuring access to the asylum procedure seems to be the most pressing issue in Greece from the legal rights aspect.

Access to this procedure depends critically upon a number of factors among which the most important seem to be:

- Awareness of local alien police officers of the status definitions of the conventions as well as of the national legal framework regulating the asylum procedure
- Easy access to qualified interpreters

Differences in treatment according to:			
	Stage of asylum procedure	Type of status sought	Vulnerable groups
Accommodation	Only for those holding pink card. Some NGOs offer accommodation for others as well	Some NGO projects are restricted to those seeking protection according to the Geneva Convention	There is no official policy, but unaccompanied children are put in special public establishments and vulnerable asylum seekers are placed in hostels. Torture victims, the mentally ill and disabled asylum seekers will be referred to special centres.
Means of subsistence	Some NGO projects are restricted to those seeking protection according to the Geneva Convention		No difference
Education	During pink card period and pending an appeal. No access in white note period.	No difference	No difference
Labour market related activities	No access	No access	No difference
Health	During pink card period and pending an appeal. In principle no access in white note period – in practice doctors often display charity.	No difference	Persons who claim to have been tortured are referred to a specialist. Treatment of torture victims, mentally ill and persons suffering from post-traumatic stress takes place in psychiatric hospitals and at the Rehabilitation Centre for Torture Victims. Special health care is provided for minors and pregnant women.

7.13. Political atmosphere around refugees and immigrants

To understand the Greek debate concerning asylum seekers it is important to appreciate that out of the total amount of aliens residing in Greece, only a very small minority applies for asylum. Hence, whereas the number of asylum seekers in 1999 was 1,528, it is estimated that in the region of ½ million aliens resided illegally in Greece.

In order to properly evaluate this situation, one should be aware of the history of migration into Greece. Greece has a long history of being a country of transit through which migrants from the East entered Europe. With the advent of the Dublin Convention, Greece has become a country where asylum seekers will have to settle. Still, large numbers of migrants pass through Greece and stay for a longer or shorter time but with no intention of making Greece their final destination.

Lately, the debate has focused on large groups of Albanians who reportedly misbehave and display criminal behaviour. This, it is feared by those interviewed, is in the process of triggering xenophobia, which has otherwise not been a problem in Greece on the same scale as in Northern Europe and France.

Greece participates in international co-operation regarding asylum policies. Co-operation with UNHCR and EU is particularly strong. Some interviewees expressed concern that the model for EU funding will mean that funding for Greece will decrease due to the small number of asylum seekers. This may mean that the necessary development of the infrastructure to ensure that the access to the asylum procedure is improved²⁵ will be slowed, which could again lead to the ratio of asylum seekers to illegal aliens falling even further, leading to more aliens staying in Greece without legal status.

7.14. Other information

In evaluating the reception conditions in Greece, one must keep in mind that reception always takes place in the context of a specific national welfare system. The Greek welfare system is very much based on the premise that the family and the community will and should take care of each other. Hence, the level of state support for social benefits is very low compared to that of the North of Europe.

Also, the security aspects need to be considered. Greece borders on Turkey, with which it has been at war several times. Many entrants are Kurds (who are considered terrorists by the Turkish State), both from Turkey and from Iraq. Also, Greece borders on Balkan countries that are not politically stable, but which according to the Geneva Convention should still be regarded as safe countries. This places Greece in a difficult position vis-à-vis its neighbours and gives rise to a large influx of persons from these regions.

²⁵ I.e.: Establishment of adequate reception facilities, implementation of training concerning legal aspects of international protection for aliens police, implementation of provisions on interpretation etc.

