



Is Greece ready to receive asylum seekers under the Dublin system?

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By [Marios Kontos](#)

On the occasion of Refugee Week, this blog entry aims to provide an overview of the reception conditions for asylum seekers in Greece under the prism of the so-called Dublin system. The Dublin system consists of regulations which purport to streamline the handling of asylum claims amongst most European Union (EU) member states and a small number of other non-member states. With a few exemptions, the core principle of these rules is simple: the member state responsible for an asylum claim will be the state through which the asylum seeker first entered the EU.

Reception Conditions in Greece

It has been more than six years since the European Court of Human Rights issued the landmark judgment of [M.S.S. v Belgium & Greece](#), when Greece's reception conditions were found in violation of Article 3 of the European Convention on Human Rights (the prohibition of torture or inhuman or degrading treatment or punishment). Up to that point, asylum seekers entering the EU through Greece were routinely returned there for the determination of their asylum claims. Given the absolute nature of Article 3, the judgment resulted in the halting of all Dublin transfers of asylum seekers from other member states to Greece. However, in March 2017, the European Commission announced that member states could resume transfers of asylum seekers there following the country's "[significant progress](#)" in improving its reception conditions.

The Commission's recommendation has been condemned by human rights organisations, with Amnesty International calling it '[hypocritical](#)'. Although it is arguable that Greece has taken steps to restructure its asylum system, these efforts are hardly enough to address the concerns raised in [M.S.S.](#) As has been highlighted by a variety of practitioners, reception conditions and the handling of asylum claims on the Greek mainland differ from those on the islands. Criticism of the Commission's recommendation has been more emphatically based on testimonies of asylum seekers stranded on Lesbos and other Aegean islands. Their main complaints are lack of access to food, healthcare and appropriate accommodation at the camps, where asylum seekers [died during this year's harsh winter](#). Prior to these fatal incidents, the Greek government had [denied](#) that people in the camps were living in the cold. More complaints from asylum seekers depict a chaotic asylum system with limited to non-existent legal assistance and representation. Reception conditions on the mainland appear to have improved, but more recently, the [International Federation for Human Rights \(FIDH\) reported unofficial refoulements](#) of Turkish asylum seekers to Turkey near the land border. These reports suggest that Greece may be violating the Refugee Convention given its failure to

prevent the return of asylum seekers to their country of origin, where they would face persecution.

The plight of asylum seekers in Greece is also attributed to other legal obstacles they face upon arrival in the country. Many of them attempt to leave the islands for Athens and the northern region of Macedonia in an attempt to continue their journey to other member states. However, they are legally required to remain on the islands in the aftermath of the controversial [EU-Turkey Statement](#) signed in March 2016. The Statement specifies that Syrians and other asylum seekers arriving from Turkey to Greece as of 20 March 2016 have to undergo an admissibility procedure. If they are found admissible, their asylum claims will be handled by the Greek Asylum Service. If inadmissible, they will be transferred to Turkey and benefit in theory from increased resettlement to the EU.

The Statement has been hailed by some for controlling the flow of asylum seekers and reducing deaths at sea, as evidenced by recent [data from UNHCR](#): 173,450 sea arrivals were recorded in Greece in 2016, but only 7,323 as of 1 June 2017. On the other hand, the Statement has been heavily criticised for failing to improve the living conditions for thousands of refugees in Greece and accepting unconditionally that Turkey meets the criteria to be designated as a safe country. In the wake of the Statement, the aid group Doctors Without Borders protested [by refusing to accept funding from the EU](#), whilst others have voiced concerns over the member states' failure to resettle a sufficient number of Syrians from Turkey: only just over 3,000 resettlements of Syrians have taken place since April 2016 according to the [most recent statistics](#) published by the Commission.

Vulnerable asylum seekers

Another key issue in the Greek asylum process is vulnerability. Up until recently, there was a presumption that all asylum seekers who are deemed vulnerable are eventually found admissible, so they cannot be returned to Turkey. But even vulnerable persons, including victims of torture, those with disabilities and victims of sexual and gender-based violence are arbitrarily restricted from accessing the mainland, where they would have had better access to healthcare, welfare and legal support. Those in need of care and treatment were normally able to seek permission to leave the islands for medical reasons, but Human Rights Watch recently [criticised the Commission](#) for pressuring Greece to reduce the number of people identified as vulnerable in an attempt to discourage vulnerable persons from risking their lives to come to Europe. The effect of this stance is profound as it forces vulnerable persons to remain on the islands and may pave the way for more returns to Turkey.

The Commission's recommendation and its recent insistence on reducing the scope of the definition of vulnerability echoes an indifference to those voices urging the need for a review or replacement of the Dublin system. Following the Commission's recommendation, the German ministry of interior revealed its plans to gradually reinstate transfers to Greece with other countries expressing similar intentions. However, the [German Federal Constitutional Court ruled](#) in May 2017 that a Syrian asylum seeker who had previously been granted refugee status in Greece should not be transferred there given the lack of immediate access to food, shelter and sanitary facilities. The ruling is noteworthy because it post-dates the Commission's recommendation and generously applies to both asylum seekers and recognised refugees.

It remains to be seen whether other member states are going to resume transfers and how these will be challenged before national and international courts. For the time-being, there is hardly any judicial basis to assert that reception conditions in Greece have improved so significantly to depart from [M.S.S.](#)

Athens Legal Support Project

In light of these developments, asylum seekers in Greece are in need of receiving legal assistance during the prolonged and stressful stages of their claim for asylum. The systemic failures they face are barely addressed by NGOs, legal practitioners and grassroots solidarity movements. In response to that need, the Immigration Law Practitioners' Association set up the Athens Legal Support Project on 10 April 2017. The Project brings together a diverse pool of UK-based lawyers with the aim of working closely with a Community Centre in Athens and Greek lawyers to advise asylum seekers in relation to the Greek asylum process, relocation, family reunification and other issues arising from the Dublin system.

To continue to do their vital work, volunteers at the Athens Legal Support Project rely heavily on crowd funding. For more information about the Project and how to contribute, please visit:

<https://www.justgiving.com/crowdfunding/athenslegalsupportproject>

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