

# Annual Report 2018

HIAS Greece and Refugee Protection



## Brief Description of HIAS work

There are over 65 million displaced people and more than 22 million refugees worldwide – more than at any time in modern recorded history. As the numbers of displaced survivors of persecution, war and conflict rises each year, governments have redoubled their efforts to crack down on “illegal migration,” building walls and shutting borders. Refugees have been forced to identify new, and often perilous, routes to find safety, security and a pathway to basic rights.

The Eastern Mediterranean route – from Turkey to the Eastern Aegean Greek islands, and onto other European countries – has become one of the most widely travelled by refugees fleeing violence in Syria, Iraq, Afghanistan and many other countries across Africa, the Middle East and Asia. During the height of the European refugee crisis in 2015 and early 2016, emergency services to refugees in Greece ramped up radically, some calling it the world’s most costly humanitarian response.<sup>1</sup> Despite the implementation of the EU-Turkey deal, in 2017, about 3,000 refugees have been arriving in Greece each month,<sup>2</sup> and the country hosts some 80,000 refugees, about 40% of whom are under 18.<sup>3</sup>

Throughout the country, refugees face fluctuating asylum procedures, limitations on movement, few employment opportunities, lack of police protection and inadequate legal, medical and mental health services. Syrians in Greece are also at serious risk of *refoulement* as a result of the EU-Turkey deal.<sup>4</sup> Government agencies have proven unable to respond to the cavernous legal protection gaps facing refugees, particularly on the North Eastern Aegean islands, increasing the risks of human rights violations, including trafficking, labor and sexual exploitation. The UN Refugee Agency has urged global action to address the overcrowding and deteriorating conditions on the islands, which have caused serious distress among refugees, leading to self-harm and severe riots, particularly at the Moria hotspot on Lesbos.<sup>5</sup> And Human Rights Watch has noted that “despite the significant financial and technical assistance to Greece, there are serious shortcomings in access to asylum for those on the islands.”<sup>6</sup>

Few of the refugees on Lesbos and the other Eastern Aegean islands can access the full complement of rights and services they require, particularly the extremely vulnerable, such as unaccompanied children and older people, survivors of torture and GBV, people with disabilities, and sexual minorities. Fewer still are empowered – through public legal education and training – to access rights independently or build the skills necessary to self-advocate during asylum procedures or fully integrate in Greek society should they be granted refugee status.

<sup>1</sup> <https://www.newsdeeply.com/refugees/articles/2017/03/06/the-refugee-archipelago-the-inside-story-of-what-went-wrong-in-greece>

<sup>2</sup> <http://www.refworld.org/country,COI,UNHCR,,GRC,,59b2663c4,0.html>

<sup>3</sup> <https://data2.unhcr.org/en/documents/download/58882>

<sup>4</sup> <https://www.hrw.org/news/2017/09/27/greece-highest-court-fails-asylum-seekers>

<sup>5</sup> <http://www.unhcr.org/en-us/news/briefing/2017/9/59b24a377/unhcr-urges-action-ease-conditions-greek-islands.html>; <https://www.voanews.com/a/greek-islands-refugee-overcrowding/4021821.html>

<sup>6</sup> <https://www.bbc.com/news/world-europe-45271194>

HIAS opened a branch on Lesbos in 2016 to provide free legal aid to address an emergency situation. Since that time, we have built an expert team of Greek lawyers and support staff, become the leading legal aid provider in Lesbos, representing hundreds of cases before Greek and European authorities. In 2017, HIAS opened an advocacy office in Athens, which has been influential with key policy-makers.

HIAS' model involves a combination of community-based protection and empowerment, individual legal representation, strategic litigation, and advocacy and capacity-building to increase refugee rights and protection. This structure provides refugees the legal information they need to self-advocate while ensuring protection for the most vulnerable refugees – including survivors of torture and sexual and gender-based violence, refugees with disabilities and serious medical conditions, older refugees, and sexual minorities – through individualized assistance to unlock legal rights and status.

The strategic litigation initiated by HIAS reinforces policy change to uphold and advance refugee protection. HIAS leverages its public legal information materials, training modules and other resources used in global operations to support its work in Greece. More broadly, this program model builds robust coordination networks between refugee communities, the legal sector and other frontline service providers both to help refugees access protection, and to engage in effective advocacy to advance refugee protection at the policy level.

## **HIAS' work during 2018**

In 2018 HIAS staff provided individualised legal assistance to **640** refugees during family reunification, asylum and related administrative procedures. More specifically, HIAS Greece staff carried out four key sets of services: (1) screening; (2) individual legal representation, involving intake, research, drafting of legal submissions, and representing clients during interviews; (3) “know your rights” group legal presentations; and (4) other legal services and referrals.

### **Legal Aid and Representation**

#### **(1) Screening**

HIAS opened an office on Lesbos in 2016 to provide free legal aid to address an emergency situation. Since that time, HIAS has built an expert team of Greek lawyers, interpreters and administrative staff, becoming a leading legal aid provider on the island and representing hundreds of cases before Greek and European authorities.. Asylum seekers therefore approach HIAS either through the duty phones available in Arabic, Farsi and French, or in person from Monday – Friday 9am – 5pm. HIAS also receives referrals by other organisations, such as the UNHCR, MSF, IRC, DRC, Lesbos Solidarity, Praksis, Iliaktida, etc. Refugees who have had a good outcome for their case, also refer their friends and family to us. HIAS staff conduct screenings which include basic bio-data and services being sought. From these screenings, HIAS staff meet weekly to determine which cases to pursue through a more in-depth intake interview. Decisions are made based on capacity of HIAS staff and urgency and vulnerability of the case. Individuals not selected for follow-up are immediately advised of the decision and referred to other agencies to meet their needs, when available. In 2018, HIAS staff screened **632 persons**.

## **(2) Individual Legal Representation**

Following screenings, selection for individual legal representation is conducted by prioritizing the most vulnerable cases using criteria enumerated in Greek regulations, including older people, pregnant women, unaccompanied and separated minors, people with serious medical conditions including post-traumatic stress disorder, single parents, survivors of gender-based violence, torture or human trafficking, sexual minorities, and survivors of shipwrecks. Furthermore, cases are also prioritized on the basis of their need for a lawyer and the complexity of their case. HIAS staff may have proceeded with **counselling** asylum seekers on the necessary steps that need to be taken, and preparing them for their asylum procedure or they will proceed with in-depth intake interviews to determine each refugee's legal needs and particular vulnerabilities. HIAS provided counselling to **135 persons** and individual representation to **286 persons**.

## **(3) "Know Your Rights" Group Legal Presentations**

HIAS engaged in group legal presentations to supplement direct legal representation services, to build the capacity of refugee communities, and to identify particularly vulnerable cases. Group presentations and training for refugees focused on legal procedures and the availability of protective services. This capacity building ensured broad outreach and support of refugee communities and allowed HIAS to reach those who HIAS was unable to provide individual legal representation. In 2018, HIAS began holding these information sessions at the Mytilene office, working with community leaders to identify groups of participants. In 2018, HIAS reached **137 beneficiaries**.

## **(4) Other Legal Services and Referrals**

HIAS' legal assistance is holistic, involving assistance with multiple legal and protection issues, from emergency medical needs to bureaucratic errors causing the loss of legal rights. A key aspect of HIAS support is providing refugees with advice on questions asked during admissibility and asylum interviews so they are properly prepared. For those with family in the EU, HIAS focused on expediting the family reunification process. HIAS also assist asylum seekers in applying to have geographic restrictions lifted, allowing certain vulnerable cases, including those with serious medical needs or those with asylum interviews to leave the island and travel to the mainland. HIAS also helps asylum seekers secure permission to work, providing much needed support to refugees to open bank accounts and meet other administrative requirements to secure work permits, leading to their ability to maintain regular and legal income. HIAS staff also addressed other legal needs, as they arose, such as helping to secure marriage certificates, and successfully convincing authorities to deem some cases as particularly vulnerable in order to access additional medical services. HIAS staff attorneys also referred all clients to non-legal services as needed or ensured that they already had access to and were actively receiving other services. In total, HIAS referred **60 cases** to other agencies for additional services.

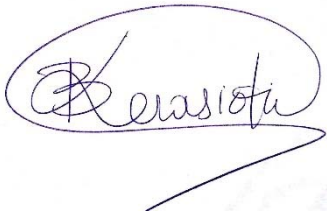
## **Advocacy**

HIAS undertakes strategic litigation and advocacy activities to increase refugee protection on a local, national and European level. Amongst others, it has undertaken the following activities:

- On April 22, 2018, Greek nationals attacked refugees and asylum seekers peacefully demonstrating in Lesbos. The hate crime resulted in the arrest of 122 people - mostly Afghans, and HIAS was the only legal organization to offer them legal representation before the relevant court. Together with other members of civil society,

HIAS also collected victim testimonials in order to provide evidence against the attackers and ensure the public prosecutor had enough information to initiate a class action lawsuit. In October 2018, the Hellenic Police formed a case file and the prosecutor can now issue charges against the attackers. This is the first case of its kind to be prosecuted in Lesvos.

- HIAS succeeded in acquitting two Eritrean asylum-seekers, unlawfully detained and subsequently wrongly accused of committing a felony, after incidents took place inside the detention center where they were held.
- As a result of submission of objections, HIAS was able to release a minor from administrative detention after he was incorrectly documented as an adult, proving his age to the appropriate authorities.
- HIAS met with the Asylum Service and two other NGOs to discuss issuance of travel documents to minors in the absence of written consent of both parents. In response, the Asylum Service invited HIAS and the other NGOs to provide counsel on how to handle such cases.
- Following relevant meetings with the national Ombudsman and support from UNHCR, HIAS drafted and submitted a detailed report on the unlawfulness of the “low profile administrative detention project” implemented by the authorities in Lesvos.

A handwritten signature in blue ink, appearing to read 'Kerasiotis', enclosed within a hand-drawn oval. A long, thin horizontal line extends from the bottom right of the oval.

Vassilis Kerasiotis

Director

Legal Representative