



EQUAL RIGHTS

Beyond Borders

Chios & Kos Office
chios@equal-rights.org | kos@equal-rights.org
www.equal-rights.org

REPORT ON CONSEQUENCES OF THE EU-TURKEY STATEMENT – THE SITUATION OF ASYLUM SEEKERS IN THE EU HOTSPOTS ON THE GREEK ISLANDS

The EU-Turkey Statement provides for Syrians to be returned to Turkey since March 2016. The assumption is that Turkey is a so-called “safe third country” for them. The procedures conducted by the European Asylum Support Office EASO and the Greek Asylum Service to determine whether Syrians can be returned are of unspeakably poor quality and lead to rejection in almost 100% of cases – despite the fact that Turkey is not admitting any persons back since more than a year. The Report by Equal Rights Beyond Borders finds the several shortcomings and analyzes them in detail and is reflecting the situation of sheer hopelessness Syrian asylum seekers in Greece find themselves in.

Between January 2020 and June 2021, in the framework of our legal representation work on the islands of Chios and Kos, we have increasingly been confronted with the desperation and disillusionment of Syrian asylum seekers who arrived on these islands. Seeing their asylum applications rejected at a 100% rate and seeing no chance of changing this outcome in later stages of the procedure Syrian asylum seekers are more and more frustrated and hopeless about the procedure they undergo at the Greek borders. To the point that they paradoxically only wait and hope for a rapid and smooth end of their procedures, in order to be finally issued a final rejection accompanied by a return decision which, in the current exceptional circumstances, allows them to leave the islands in which they have been relegated, often for many months. In particular, with the adoption of a new Asylum Law 4636/2019 in January 2020, the situation for Syrian asylum seekers has dramatically deteriorated and their asylum procedures have increasingly become façade procedures to hide the reality of a mass rejection policy in which the assumption of safety of Turkey is de facto un rebuttable.

On June 7, 2021, the Greek Ministers of Foreign Affairs and Immigration and Asylum issued a Joint Ministerial Decision establishing Turkey as a “safe third country” for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh, and Somalia. According to the decision, authorities in Greece will begin screening asylum seekers from those five countries to see if they can be safely returned to Turkey before allowing them to continue with their asylum procedures in Greece. This decision codifies and expands on the practice the authorities have applied to asylum seekers on the Eastern Aegean islands of Chios, Kos, Leros, Lesvos, and Samos since the signing of the EU-Turkey Statement in 2016. Syrian asylum seekers have been the mostly and most directly impacted by these practices. It is for this reason that they, and this practice, are the subject of this reports which intends not only to depict the inherent

Equal Rights Beyond Borders

Schererstraße 9, 13347 Berlin, Germany – Amtsgericht Berlin-Charlottenburg VR 35583 B
Αστική Μη Κερδοσκοπική Εταιρεία – ΑΦΜ: 996887928, ΔΟΥ: Δ' ΑΘΗΝΩΝ - ΑΡ. ΓΕΜΗ: 151850501000

dysfunctionalities of this system, but also to warn about the foreseeable implications of the implementation of the June 7th Joint Ministerial Decision.

This report documents the treatment of Syrian asylum seekers on the Greek Aegean islands in the years 2020 and 2021, based on a detailed analysis of 47 Syrian applications for international protection in the islands of Chios and Kos and on interviews conducted with 11 Syrian asylum seekers. Overall, the report found that the authorities rejected nearly 100% of applicants on the grounds that Turkey is a “safe third country”, regardless of a person’s individual circumstances. Looking at the quality of first instance interviews and decisions, the report identifies serious shortcomings, including poor quality interviews whose outcome is known from before they start, copy-paste rejection decisions with outdated and unspecific sources and the authorities’ failure to take seriously any claim. The analysis of second instance decisions reveals the same flaws and a rate of rejection which remains incredibly high. Obstacles to accessing appeals and annulment procedures are often insurmountable, rendering these procedures inaccessible to most. Moreover, a worrying pattern emerges of Syrian applicants refusing legal remedies because they know they will receive rejections and are afraid of prolonging their time on the islands without an actual chance of obtaining a positive result. The only hope with which Syrian asylum applicants are left is that of rapidly obtaining a second instance negative decision accompanied by a so called “voluntary return order” which allows them to leave the islands, although leaving them without a hope of regularizing their status in Greece. This situation has arisen since March 2020, when Greece stopped being able to readmit anyone to Turkey, thus leaving Syrian rejected asylum applicants in a legal limbo where, on the one hand, they are rejected at nearly a 100% rate on the grounds that Turkey is a safe third country, and on the other they cannot return to Turkey either “voluntarily” or by force. While EU and Greek asylum law have a solution for similar situations, ie analysing asylum applications in the merits, this solution has been continuously disregarded by Greek authorities in the past fifteen months.

The report aims at sketching these procedures and their shortcomings and it draws conclusions as to their implications for Greece commitment to some of the most basic tenets of refugee and human rights law, including *non-refoulement*, the right to an individualised assessment, and the right to an effective remedy. The conclusion is that this practice clearly violates EU, Greek, and human rights law and undermines the entire asylum procedure in Greece and the EU. The fact that in the foreseeable future, these practices will be emulated within Greece for more nationalities and, potentially, adopted by other EU Member States in the framework of the draft of the New Pact on Migration and Asylum, are disturbing developments whose costs in the detriment of human rights and rule of law can be easily foreseen.

[Read the full Report here.](#)

For further information please contact Greta Albertari (greta.albertari@equal-rights.org), Jamie Kessler (jamie.kessler@equal-rights.org) or Athina Ntavasili (athina.ntavasili@equal-rights.org).