

Starving them out: Instead of receiving protection people go hungry on EU soil

JOINT OPEN LETTER

TO:

**THE GREEK PRIME MINISTER, MR. KYRIAKOS MITSOTAKIS
MINISTER OF MIGRATION AND ASYLUM, MR. NOTIS MITARAKIS
PRESIDENT OF THE EUROPEAN COMMISSION, MS. URSULA VON DER LEYEN
EU COMMISSIONER FOR HOME AFFAIRS, MS. YLVA JOHANSSON**

Athens, October 26, 2021

The humanitarian, human rights and civil society organizations and initiatives co-signing this letter, express their deep concern regarding the policy implemented by the Greek government since October 1st, a policy which has excluded thousands of persons from food provision. It is estimated by the organizations on the ground that currently, almost 60% of the residents of the Greek refugee camps of the mainland have no access to food. 25% of the residents in refugee facilities on the Greek mainland are women (including pregnant women and single-headed families) and 40% are children¹.

In March 2020, with the Art. 111, L. 4674/2020, the Greek government introduced an amendment to the Art.114, L.4636/2019, providing for the automatic discontinuation of all material reception conditions, including food, for beneficiaries of international and subsidiary protection as soon as their protection status is granted. According to the same amendment, beneficiaries of protection must leave government ran housing facilities in the first 30 days after the granting of protection. These stricter provisions were introduced against the backdrop of high levels of unemployment and manifold economic challenges posed by the pandemic as well as against the background of ineffective integration policy characterized by great gaps and absence of long-term planning. Thus, the decision to exclude newly recognized beneficiaries of international and subsidiary protection from receiving essential support, has had devastating consequences.

Following the implementation of the provisions regarding the exit from housing facilities, thousands of recognized refugees, including mothers with young children, pregnant women, elderly people, and chronic patients, found themselves without shelter, living in public squares for prolonged periods of time. Many of the aforementioned individuals and families, having no viable alternatives, have returned to camps in order to have access to the bare minimum, that is, water, food, shelter and primary health. Others with their protection status granted, remained in the camps beyond the 30-day limit to avoid homelessness and food deprivation. The fact that thousands of beneficiaries of protection have chosen to stay in refugee camps, in substandard living conditions, is a direct result of Greece's and the EU's failure to develop an effective integration policy. The few EU funded programs that do exist to support refugees' integration—have not been sufficient to enable all eligible protected individuals to find adequate housing and employment. Moreover, while beneficiaries of protection are eligible for some social benefits from the state, bureaucratic obstacles make access virtually impossible in practice. For

¹ IOM - *Supporting the Greek Authorities in Managing the National Reception System for Asylum Seekers and Vulnerable Migrants (SMS), Factsheets*, August 2021. Available at: https://greece.iom.int/sites/greece/files/aer_14.jpg

instance, individuals must have a valid residence permit to receive the guaranteed minimum income (EEE) but extreme delays in the issuance of residence permits—often exceeding 6 months—prevent recognized refugees from accessing this benefit. The government announced one year ago measures to ensure asylum seekers are provided with a bank account, a taxpayer ID, and a temporary social security number, but in practice many asylum seekers have been unable to receive the above-mentioned, due to delays and COVID-19 restrictions². Despite all the above, since October 1, 2021, the Greek government has further tightened its stance and additionally to the provisions regarding the exits from the housing facilities, has also enforced the provisions regarding discontinuation of all material reception conditions to protection status holders, including food.

Another category of persons who are excluded from the food provision, are the asylum seekers in the so-called 'legal limbo'. Under this category fall the nationals of the five countries (Syria, Afghanistan, Somalia, Pakistan, and Bangladesh), to whom the concept of the safe-third country is applied. These asylum seekers, when interviewed by the Greek Asylum Service and the European Asylum Support Office (EASO) are only asked questions to determine whether Turkey can be considered a safe country for them to ask for asylum. Those of the above who receive second instance negative decisions on admissibility i.e., Turkey is considered to be a safe-country for them, find themselves in a legal limbo - they cannot be readmitted to Turkey, since Turkey has not accepted any readmission since March 2020, and they cannot return to their countries of origin due to fear of persecution. At the same time, Greece refuses to examine their applications on their merits. As a result, these asylum seekers are deprived of legal status and reception conditions, contrary to Art. 86(5) Law 4363/2019 and Art. 38(4) of the European Directive 2013/32/EU, which provides that if the third country refuses to take the person back, the State must examine the asylum application as to its substance. In its written answer to a parliamentary question, on June 1, 2021, the Commission pointed out the applicability of the article 38(4) to the context under discussion³. Contrary to this legal obligation, Greece, and the EU through EASO, which continues to issue 'Opinions' recommending the rejection of applicants on the basis of the safe-third-country concept and placing thousands of asylum seekers in a 'legal limbo'. Thus, these asylum seekers are excluded from material reception conditions and since October 1, 2021, are deprived even of food itself.

Other people who have not been granted protection are similarly excluded from food provision. This includes asylum seekers whose asylum applications were assessed on merit but rejected, and asylum seekers whose applications have not yet been registered due to chronic delays at the Asylum Offices of the Greek mainland. It has been reported that, in some places, food is not provided even to people placed in quarantine for COVID-19.

Access to livelihood is a fundamental human right. No one, irrespective of their legal status, should be deprived of food. Food insecurity, let alone complete food deprivation, should not be experienced by anyone, especially not at the hand of the state.

² Business Daily - *Asylum seekers will have bank account, taxpayer ID and social security number*, October 11, 2020. Available at:

https://www.businessdaily.gr/english-edition/27937_asylum-seekers-will-have-bank-account-taxpayer-id-and-social-security-number

³ EN P-000604/2021 Answer given by Ms Johansson on behalf of the European Commission (1.6.2021), Available at: <https://bit.ly/3g0cFRD>

In order to prevent a humanitarian crisis resulting from these harsh policies towards asylum seekers and refugees, we call on the Greek government and European Commission to:

- a) ensure that all persons residing in state-run or managed facilities, have access to adequate food and water, irrespective of their legal status.
- b) ensure that, in accordance with the Art. 38(4) of the European Directive 2013/32/EU and in-view of the discontinuation of readmissions to Turkey since March 2020, those asylum seekers for whom the safe- third-country concept has been applied, have their applications examined on the substance and merit and are provided with respective legal status and adequate reception conditions, including food.

Signatory Organizations:

1. Equal Rights Beyond Borders
2. Greek forum of Migrants
3. HIAS Greece
4. Refugee Legal Support (RLS)
5. Safe Passage
6. Symbiosis-School of Political Studies in Greece, Council of Europe Network