



The Special Rapporteur would like to request inputs from Member States, regional and inter-governmental entities, civil society organizations, national human rights institutions and other relevant stakeholders, to contribute to the preparation of the report. The Special Rapporteur is particularly interested in receiving inputs on any or all of the following issues, including case studies and specific examples of emerging practices and challenges.

HumanRights360 is a civil society organization aiming to protect and empower the rights of all, with no discrimination but with special focus on the most disadvantaged and vulnerable populations. Through its implementation of (a) a legal and psychosocial aid project in the Reception and Identification Center (RIC) of Fylakio, Orestiada and pre-removals center in the area aiming at supporting UASCs and vulnerable population entering in Northern Greece, (b) a border monitoring project at the European land borders of Evros aiming on documenting and defending against the violations at the land border of Evros, (c) a social integration service in Attica aiming at supporting multiple targeting population (asylum seekers, recognized refugees, undocumented population, stateless ex-prisoners) in an individualized and holistic approach, HumanRights360 has identified various practices relating to migrant rights in the midst of the COVID-19 pandemic on the following issues:

3) In the context of immigration detention, please indicate if measures have been considered to minimize health risks associated with the COVID-19 transmission by reducing migrants' detention and opting for alternatives to detention and, if not, kindly elaborate on challenges preventing such options. Please indicate if immigration detention of children has been practiced during the pandemic.

Law 4636/2019 which entered into force on the 1st of January 2020, just a few months before the outbreak of the pandemic in Greece, was generally introduced the widespread imposition of the administrative detention of asylum seekers over long periods, even for vulnerable persons. Furthermore, Law 4686/2020 which came into force some months later provided that, as regards persons detained in view of return, administrative detention becomes the rule and only exceptionally and under restrictive conditions alternatives to detention can be applied.

In Greece, there have been no measures implemented to reduce immigration detention, in the context of the COVID-19 pandemic. Even though the Greek Authorities took measures early enough and in a horizontal way to limit the spread of COVID-19, they did not proceed with any official measure to decongest the Pre-Removal Detention Centers and the Police Stations, although these Centers remained to their full capacity. HumanRights360 and other NGOs made serious efforts and specific recommendations to persuade the competent authorities to adopt vital measures to protect persons in administrative detention, in line with UN relevant recommendations, however, without any result.

The suggestions that have been made to the competent authorities for decongestion of the Pre-removal Detention Centers are the following:

A) The immediate release of persons in administrative detention, at least of the vulnerable persons, who had applied for asylum, as a necessary precautionary measure to reduce overcrowding and reduce the spread of the virus among detainees and staff in these facilities.

B) The temporary avoidance of the imposition of the measure of administrative detention on persons who were arrested by the Police Authorities without carrying the required legal documents 1) given that this population was already deprived of access to health services and other vital services, which made them even more vulnerable, while dramatically increased the risk of spreading the virus to detention facilities and 2) taking into account that the Asylum Service had suspended its operation since 13th of March 2020 due to the pandemic, thus, access to its Services for those wishing to apply for asylum became temporarily impossible, leaving a large number of people without legal documentation due to this reason.

C) The Police Authorities to avoid detaining persons under return procedures for this period and to temporarily provide them with certificates of suspension of removal valid for 30 or 60 days with the possibility of renewal, in accordance with Greek legislation that gives this opportunity or by imposing them the alternative to detention measure of regular appearance before the police authorities or other appropriate measures, which are also provided by Greek legislation.



6) **Please provide information on any relevant legislation or policy adopted during the pandemic in relation to the regularization of migrants, including those in an irregular situation, through the adoption of for example regularization processes and pathways, extensions of work visas, and other appropriate measures for improving decent work and dignified living conditions, strengthening migrants' contributions and fostering cooperation. Please indicate if the regularization programs are devised as long-term solutions.**

From early on in the pandemic, the Greek Authorities proceeded with the extension of asylum seeker cards and migrant residence permits. Nevertheless, they did not take any specific measures for the regularization of undocumented migrants, nor did they even grant a temporary postponement of removal as provided by Greek law, given that their return could not be carried out during the pandemic.

As regards asylum seekers, as early as March 2020, the validity of Asylum Seeker's Cards was extended due to the suspension of the Asylum Service for months as well as the lockdown that had already been imposed in Greece, making it impossible for asylum seekers to access the Asylum Service for their renewal. It is noted that until today the validity of the Cards continues to be under extension until June 30, 2021, according to article 123 in L. 4790/2021.

Regarding migrant residence permits, the relevant authorities (Aliens and Immigration Directorates of the Decentralized Administration) initially stopped accepting applications and gradually resumed their operations with the use of online application platforms. At the same time, an extension was provided which included the permits, the residence application certificates, as well as the special certificates of legal residence for migrants that were expired from the beginning of 2020 and during the outbreak of COVID-19. The above categories were extended in the vast majority of the cases until the end of December 2021, following relevant Ministerial decisions, the last being Ministerial Decision no 7396/2021.

Undocumented migrants experienced obstacles towards their regularization. The main pathway for their regularization in Greece is the residence permit for "exceptional reasons". This pathway, as provided for in the Greek Migration Code, refers to irregular migrants who can prove their presence in Greece for 7 continuous years and to those who have serious reasons to remain in the country, such as being parents of a Greek minor. This can become a long procedure, which in Attica includes a long waiting list for the first appointment. During the pandemic, and from March 2020, when the 1st lockdown was imposed in Greece, till April 2021 (over 1 year), the competent services in Attica (Aliens and Immigration Directorates of the Decentralized Administration) stopped accepting these specific applications and canceled all the booked appointments with no renewal date. Even when the applications restarted for the rest of the categories, regularization appointments did not occur. As a result, hundreds of third-country nationals eligible to apply remained undocumented without access to any services and under the constant risk of administrative detention for a prolonged period. This was the case until mid-January when the services started receiving applications again and finally, in April the Ministry of Migration and Asylum launched a designated platform for these particular cases.¹

8) **Has the Government experienced specific challenges in protecting and fulfilling the human rights of migrants in the COVID-19 context - including their right to health, housing, education, information, social protection, basic services, safe and dignified return and sustainable reintegration and others? Kindly provide information on emerging practices and opportunities for strengthening the protection of migrants in the context of the COVID-19 pandemic.**

HumanRights360 has observed challenges in the protection of the rights of asylum seekers and migrants in various areas. An important aspect relating to migrants and refugees living in camps in light of the pandemic is the restriction of movement that was applied in all camps from the beginning of the pandemic and has caused significant problems and distress in this population. More specifically the most important measures imposed in camps during the pandemic are:

¹ Ministry of Migration and Asylum, "Residence Permit Online Applications," April 16, 2021, <https://portal.immigration.gov.gr/electronic-applications?lang=en>.

- i. Free movement is allowed only between 7 am to 7 pm and only to one representative from each family in order to cover their basic needs in adjacent urban centers.
- ii. In case a camp is not covered by public transportation only 100 people per hour can move outside/inside in small groups (up to 10 people).
- iii. Any other activity not linked to housing, medical, or food needs requires written permission by the camp management.

These measures originally started with the Joint Ministerial Decision 20030/2020 on the 21st of March 2020. This measure has been generally renewed with following JMDs to this day.

Education

Access to formal education has been affected *inter alia* by the aforementioned confinement. Specifically, the narrow and inconsistent interpretation of these measures by camp managers across the country, prevented the children of asylum seekers from exiting the camps in order to attend live classes, where possible. Moreover, in the case of online classes, poor connectivity and lack of electronic equipment such as laptops and tablets further excluded minor asylum seekers from formal education. However, even before the pandemic, access to formal education was already a challenge for migrant and refugee children residing in camps due to the lack of means of transportation, the understaffing of reception classes, as well as the reactions of several local communities.

HumanRights360 has submitted a complaint to the Ombudsperson for Children's rights regarding the issue, and how it specifically unfolded in the Ritsona Refugee Camp. 33 NGOs have published an open letter to the relevant national and European authorities, bringing significant awareness to these issues.² The Ombudsperson has compiled a report on the topic, which further corroborates the exclusion of migrant and refugee children from formal education due to pandemic-related reasons as well as wider issues such as the lack of means of transportation.³

Healthcare

Access to healthcare and services, in general, had been a challenge for asylum seekers already before the COVID-19 context. A major factor in this was the introduction of the Foreigner's Temporary Insurance and Health Coverage Number (PAAYPE) with Article 55(2) L.4636/2019, in replacement of the common Social Security Number used by the general population. PAAYPE became technically available to asylum seekers in early 2020 via the Joint Ministerial Decision n. 717/2020. Issues of activation of this provisional social security number were very frequent from early on. Asylum seekers in many cases were required to reactivate their PAAYPE numbers with each asylum seeker id card renewal while severe delays are observed to this day. It is worth noting that some asylum seekers still do not have an active PAAYPE number.

That being said, during the pandemic, and despite the official provision for extension of Asylum Seeker's Cards through Ministerial Decisions (please refer to question 6), asylum seekers faced even more challenges in accessing basic services. Their asylum seeker's cards appeared expired due to the original expiration date shown on them, and this led to the reluctance of other public services in accepting them. Additionally, asylum seekers would be deprived of their access to healthcare services and the labor market, because the PAAYPE number is essential for accessing these services. However, the number's validity is connected to the Asylum Seeker's Card expiration date. This meant that the PAAYPE number would become automatically deactivated on the original expiration date. As a result, asylum seekers would technically remain legal residents but with no means to access basic services. This situation affected their well-being negatively, as it prevented doctors from being able to prescribe medicines and continue some medical examinations. Additionally, it created problems in the maintenance of employment contracts and their overall job-seeking process.

² "Open Letter: «All Children Have the Right to Go to School. Do Not Take That Away from Them» March 9, 2021, <https://cutt.ly/1nD6UkN>.

³ (In Greek) "Educational integration of children living in Camps and RICs of the Ministry of Migration & Asylum" (Greek Ombudsman), <https://www.synigoros.gr:443/?i=childrens-rights.el.epanapatriamos.787548>.



These challenges with PAAYPA created obstacles in accessing the vaccination platforms. In theory, this issue has been addressed with the issue of PAMKA. Greece, with L 4796/2021 has adopted the system of issuing a temporary social security number (PAMKA) for people who do not have one, including undocumented migrants and in many cases, asylum seekers. The PAMKA number is used for the purposes of vaccination and testing for COVID-19. In practice, delays have been noted regarding the issuance of the temporary PAMKA online procedure.

As far as COVID-19 vaccination operations are concerned, the vaccination of the general population gradually started in early 2021. The vaccination process for asylum seekers residing in camps on the islands of Lesbos, Chios, and Samos began on June 3rd, 2021, while the vaccination in the mainland camps is yet to start.⁴ Migrants, asylum seekers, and refugees who already have any kind of social security number and are living in independent housing, technically can contact local pharmacies to book an appointment for vaccination, as is the case for the rest of the population in Greece. Nevertheless, to this date, there is no specific procedure regarding undocumented migrants and no mechanism in place to ensure their access to vaccinations with no fear of immigration enforcement.

Border procedures on the land border of Evros

Regarding the access to a safe and dignified return and sustainable reintegration, the pandemic arrived in an already complicated period in Greece. Due to the tension that erupted at the Greek-Turkish land borders at the end of February 2020⁵, HumanRights360 observed a significant aggravation of the already strict border politics, in the context of preventing the dissemination of COVID-19. As a result, since February 2020 there is a substantial increase in human rights violations of newly arrived persons, including, but not limited to, their right to non-refoulement, the prohibition of torture, and their right to have access to the asylum process.

Specifically, the direct and strict measures taken against COVID-19 by the Greek government subsequently led the Greek Asylum Service to suspend all its services to the public from March 13th, 2020 until May 15th, 2020. During this period, no registrations or asylum interviews took place, neither notification of asylum decisions or files of appeals. As a result, the Reception and Identification Center (RIC) of Fylakio, Orestiada, close to the land border of Evros, did not accept newly arrived people within the premises. Additionally, on March 2020 and due to the measures taken against COVID-19 by the Greek government, the access of the NGOs and their lawyers to the premises of the Pre-removal Detention Center (PRDC) and the detainees was temporarily suspended.

Moreover, the pandemic-related measures complicated the referral procedures from the Border Deportation Centers (of which we have only fragmentary data on detainees) to the RIC of Fylakio, Orestiada and obstructed the monitoring visits at the Border Deportation Departments from independent authorities under the mandate of ensuring detainees' rights (e.g Ombudsman) creating thus concerns on whether violent pushbacks have functioned as one of the key regulators of flow reduction, as our organization kept receiving relevant testimonies.

As regards border procedures, COVID-19 challenged in multiple ways the access to protection and basic rights. Almost a year after the first confirmed positive case of COVID-19 within the RIC of Fylakio, the virus still affects the operation of the Center. According to the emergency plan "Agnodiki", which was implemented in March 2020, and following the total lockdown of the RIC of Fylakio from August until October 2020 due to confirmed positive cases of COVID-19, what followed was the construction of a Wing (Wing K) specially made for the 14-day quarantine of the new arrivals. The construction of this Wing was completed in December and approximately thirty-five (35) people stay there, in six containers. Due to the lack of medical screening at the various police stations and border patrol departments, the Hellenic National Public Health Organization

⁴ (In Greek)Ministry of Migration and Asylum, "Start of vaccination of asylum seekers in the islands and the mainland," June 3, 2021, <https://rb.gy/s6itsu>.

⁵ "During and After Crisis: Evros Border Monitoring Report" (HumanRights360, May 15, 2020), <https://www.humanrights360.org/during-and-after-crisis-evros-border-monitoring-report/>.





(NPHO) conducts COVID-19 Rapid Tests to every newly arrived person, but no matter the result, they are put in quarantine as a precaution.

This quarantine wing provision has had specific effects on unaccompanied asylum-seeking children (UASCs). In the framework of the abolishment of protective custody and the acceleration of their placement into suitable shelters, according to the Special Secretary for the Protection of Unaccompanied Minors, the unaccompanied minors should be registered during the first day that they enter the RIC and *before* their 14-day quarantine. However, the fear of the spread of COVID-19 and the caution of the registration officers, puts the application of the above decision in jeopardy, as up until now, newly arrived UASCs and the rest of the people are being placed in a 14-day quarantine before their registration at the RIC. The procedure, though, that is being followed is that the population is formally recorded with the temporary data from the Border Guard Units before being put into quarantine and if after the end of the quarantine there are discrepancies in their temporary registrations, then an amending act follows, which could even lead to even criminal consequences for false statement.

Regarding the imposition of administrative fines, it is worth mentioning the strictness of local authorities in the case of the arrival of Turkish asylum-seekers in the middle of March. An administrative fine of 150 euros was imposed on them for not wearing a mask inside a car during their arrest by the Border Guard Unit of Sapes, because of the violation of articles 2 and 6 of the Joint Ministerial Decision 71342/2020. The short deadline of five (5) working days for objections against the submission of the fine (article 9 of the same JMD) and the 14-day quarantine in which they were confined within the RIC made their access to legal aid impossible, rendering them thus unable to officially object the fine.

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HumanRights360

