

LESBOS COVID-19 BRIEFING #3

Update on the EU 'hotspot' Moria by the Greek Council for Refugees and Oxfam

General

Despite ongoing transfers to the mainland, more than 17,000 asylum seekers, 705 of whom are unaccompanied children, remain trapped in the island's 'hotspot'. The Covid-19 lockdown in the island's camps was extended until 21 May, without any improvement to the overcrowded and unsanitary conditions in those camps. In total, there are 842 unaccompanied children in different locations on the island of Lesbos.

Seventy asylum seekers have arrived in Greece since 6th May, after a full month in which no new arrivals were recorded, although local and national media outlets have been reporting allegations of pushbacks. Over the past weeks, testimonies and video footage emerged of incidents along the Greek-Turkish border and, specifically, near the islands of Samos and Chios. The allegations included at least two incidents which took place on 30 April, one in Drakaioi village on Samos, and the other on Monolia beach in Samos. In both cases, eyewitnesses confirmed that a group of 30 to 55 refugees and migrants, including at least one child, arrived on the islands, after which the Greek Coastguard gathered them and took them to an unknown place. No arrivals were officially recorded that specific day. Some witnesses reported seeing Greek Coastguard vessels towing dinghies and life rafts back to sea.

GCR and Oxfam welcome the solidarity shown by the government of Finland, which announced at the end of April that it would offer relocation to 100 unaccompanied children, and 30 adult refugees and migrants with family members in the country, as part of the emergency scheme to address the situation of the 1,600 unaccompanied children on the Greek islands. However, only 59 children have been relocated out of the islands to date, to Luxembourg (12 children) and Germany (47 children) respectively.

Covid preparedness and relocation efforts

Over the past months, 2,800 asylum seekers were identified on the Greek islands as vulnerable to Covid-19, amongst whom were 650 people aged over 60 and their families, and 1,730 people who suffer from chronic health conditions and their families. Although the government had announced that they would be relocated to better accommodation on the mainland, their transfer was cancelled. On 23rd April the Minister of Migration and Asylum, Notis Mitarakis, announced that vulnerable asylum seekers will be transferred to the mainland in smaller groups of 400 persons, over a longer period of time.

The first group, consisting of 392 vulnerable asylum seekers from Lesbos, were moved to the mainland on 3rd May, while two other groups of close to 400 asylum seekers were expected to be transferred on 5 and 10 May respectively, although it is unclear whether this has happened. Conducting transfers at such a slow pace is gravely concerning, as the conditions in the 'hotspots' fail to guarantee the safety of anyone within their perimeter, even before the outbreak of the pandemic, let alone during the Covid-19 crisis. Over the past weeks, videos have emerged online showing endless queues of asylum seekers in Lesbos, waiting in line for food. Some have reportedly gone hungry, as residents of the Moria 'hotspot' fear that the food provided is not enough for everyone and they feel hesitant to join the crowded line.

An urgent programme by UNHCR to evacuate some of the most at-risk individuals to hotels has reached its capacity at the end of April, following the transfer of 129 asylum seekers to six hotels on the islands. The scheduled transfers of asylum seekers to the mainland should therefore proceed without further delays to safeguard their health and dignity.

Since May 6th, a medical reception area where asylum seekers displaying potential Covid-19 symptoms can be screened and receive emergency treatment has become operational. NGOs and international organisations have increased efforts to distribute soap and other hygiene items, but the available quantities fall short of the demand created by 17,000 asylum seekers living in the Moria 'hotspot' under lockdown, and cannot fill the gap left by the state.

High risks of gender-based violence are also reported, yet close to 400 single women remain in overcrowded and unsafe spaces within the premises of the Moria 'hotspot', where at the end of April, a woman was attacked and transferred to the local hospital. Meanwhile, more than 600 single women remain alone and unattended in the overspill areas surrounding the facility. As per Greece's national and international obligations, they should all have access to humane reception conditions, where they can feel safe, instead of being forced to remain in an environment that fosters violence and tension.

Access to asylum restored, yet new legal amendments will further diminish safeguards

On 27th April, the Greek authorities finally transferred 153 asylum seekers who had arrived on Lesbos in late March and early April to the Moria 'hotspot.' These people had been forced by the authorities to live on the beach for over a month, without access to shelter, registration, or any services.

The repercussions of Greece's illegal suspension of asylum applications for the period of March are still palpable, as the public prosecutor pressed 'illegal entry' charges against all the adult asylum seekers who arrived in Greece during that month. This outrageous action by the prosecutor's office contravenes the 1951 Geneva Refugee Convention, which clearly stipulates that "refugees should not be penalised for their illegal entry or stay" (Article 31). Out of a group of 153, 11 are unaccompanied children.

On 8 May the Greek Parliament voted on amendments to the International Protection Act. While the government amended its original legislative bill after the public consultation phase and withdrew some of the clearer violations of EU law, the law submitted to the Parliament nonetheless undermines the rights of asylum seekers, the fair character of the asylum procedure and access to effective remedies. The amended law establishes detention as the dominant rule, instead of the exception provided by EU law, at a time when competent national and international bodies have repeatedly called for the release of asylum seekers from administrative detention during the period of the pandemic. It abolishes the possibility to prioritise the examination of applications by vulnerable asylum seekers, even if they are in detention, and risks worsening their situation. It also abolishes, for the first time, the possibility of issuing a humanitarian residency permit for people who are not officially recognised as refugees but who cannot be returned to their country of origin because of serious health problems or other reasons. Such individuals may now remain in perpetual irregular status and an administrative and regulatory limbo.

Recommendations

GCR and Oxfam call on the Greek government to:

- Respect the principle of non-refoulement and investigate the allegations of pushbacks which allegedly took place on Chios and Samos and at the Greek-Turkish land border.

- Withdraw the charges of illegal entry against all asylum seekers who arrived in Greece during the month of March.
- Ensure that all asylum seekers have access to legal aid and effective remedies, particularly on second instance.
- Proceed with the urgent transfer of asylum seekers from the islands to suitable accommodation on the mainland.

GCR and Oxfam call on EU member states, the European Commission and the European Parliament to:

- Urgently increase efforts to relocate children from the 'hotspots' in Greece, in line with good practices on the best interests of the child.
- Continue monitoring Greece's compliance with the EU acquis in the field of asylum, with careful attention to the Greek International Protection Act.
- Ask the Greek Ministry of Migration for clarifications regarding reports on pushbacks and on the quarantine of migrants on the beaches of Lesbos during the month of April.