



# **Beneficiaries of international protection in Greece**

Access to documents and socio-economic rights

March 2021

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## Introduction

1. This Legal Note provides up-to-date information on the situation of beneficiaries of international protection in Greece, including readmitted status holders from other European countries, drawing on a third party intervention submitted on 24 February 2021 by Refugee Support Aegean (RSA) and Stiftung PRO ASYL in the case of *Alaa Asaad v. the Netherlands* before the European Court of Human Rights (ECtHR).
2. As highlighted by the organisations in their submissions to the Court in the case of *Kurdestan Darwesh v. Greece and the Netherlands*,<sup>1</sup> the Greek government has followed a policy expecting immediate autonomy and self-sufficiency of persons granted international protection. This policy, in conjunction with chronic legal and practical barriers to access to basic socio-economic rights may, given the individual circumstances of each case, result in homelessness and extreme deprivation contrary to Article 3 of the European Convention on Human Rights (ECHR).
3. As a rule, readmission of beneficiaries of international protection from other European countries to Greece is carried out via Athens International Airport.<sup>2</sup> Upon readmission at Athens International Airport, beneficiaries of international protection are provided with no information or referral regarding accommodation possibilities or steps to access their rights in Greece, though they may be given a note in Greek to approach the Asylum Service if they do not hold documents.<sup>3</sup> Moreover, Migrant Integration Centres (Κέντρα Ένταξης Μεταναστών, KEM) run by municipalities and offering information and counselling to beneficiaries on how to access documentation and certain social rights are not accessible to those who do not speak Greek, English and Urdu due to a lack of interpretation services in Athens.<sup>4</sup>
4. In light of this, RSA and Stiftung PRO ASYL recall that Attica is the main region in which status holders are likely to find themselves upon return to Greece and that obstacles prevailing predominantly in the Attica region are liable to particularly affect returnees as regards access to social welfare, housing, health care and employment.

## Barriers to accessing the necessary documentation

5. Status holders in Greece continue to face specific challenges posed by severe administrative barriers to access to different categories of official documentation. These obstacles prevent people from fulfilling the necessary documentation prerequisites for accessing key rights such as health care, housing, social welfare and access to the labour market under equal conditions to nationals.

## Residence permit (ADET)

6. The residence permit (Άδεια Διαμονής Ενιαίου Τύπου, ADET) is a prerequisite to obtaining a Social Security Number (Αριθμός Μητρώου Κοινωνικής Ασφάλισης, AMKA) and social benefits. Until its issuance, the person retains their International Protection

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<sup>1</sup> RSA & Stiftung PRO ASYL, *Third party intervention in Kurdestan Darwesh v. Greece and the Netherlands*, 4 June 2020, available at: <https://bit.ly/3qZXBHp>.

<sup>2</sup> Information provided by the Directorate of Migration Management, Hellenic Police, 11 May 2020.

<sup>3</sup> In a case monitored by RSA concerning a beneficiary of international protection returned from Germany in January 2021, the woman received a referral note (υπηρεσιακό σημείωμα) in Greek by the Hellenic Police at Athens International Airport to report to the Regional Asylum Office of Attica as she held no documentation. The woman did not manage to obtain an appointment in Attica and travelled to Ioannina.

<sup>4</sup> Municipality of Athens, Κέντρο Ένταξης Μεταναστών, available at: <https://bit.ly/3pFN7ek>.

Applicant Card (Δελτίο Αιτήσαντος Διεθνούς Προστασίας, DADP).<sup>5</sup> This is not the case in procedures for renewal of an expired ADET.

7. The procedure for the issuance and/or renewal of ADET to persons granted international protection entails the issuance of an "ADET Decision" i.e. a decision by the competent Regional Asylum Office (RAO) calling for the issuance of the permit. The decision is not always notified upon the granting of status, in which case beneficiaries have to book an appointment with the RAO to obtain an ADET Decision.
8. In this regard, it is important to note that certain RAO such as Lesbos subject the issuance of an ADET Decision to additional requirements such as a valid employment contract of at least 6 months and a tax declaration for the previous financial year. Without those, the Office does not issue an ADET Decision. On the other hand, many persons whose claims have been processed on the islands and who travel to Attica after being granted international protection, including beneficiaries ending up homeless in Athens as discussed below, are not given appointments with the RAO of Piraeus to obtain an ADET Decision on the ground that they do not have a registered address in Attica.<sup>6</sup> At the time of writing, RAO in Attica are currently closed to the public due to the COVID-19 pandemic.<sup>7</sup>
9. Only following the notification of the ADET Decision can the individual request an appointment with the territorially competent Passport Office of the Hellenic Police to apply for the permit. On the appointment day given by the Office, the beneficiary appears in person at the Office and produces the ADET Decision, together with the DADP (or the expired ADET) and photographs, before the for the purpose of requesting the permit itself. Fingerprints are also taken at the Passport Office.<sup>8</sup>
10. In practice, the ADET issuance and/or renewal procedure is marred by serious delays reaching several months and even a year in some cases. The Hellenic Police has explained that the abolition of the Ministry of Migration Policy and transfer of competences to the Ministry of Citizen Protection in July 2019, followed by the subsequent re-establishment of the Ministry of Migration and Asylum in January 2020, created an institutional gap vis-à-vis responsibility for handling applications for issuance and renewal of ADET, while the Hellenic Police only regained competence to examine such applications following a July 2020 legislative amendment.<sup>9</sup> In cases known to RSA, beneficiaries were informed by the authorities that they had to re-submit their applications for ADET after said amendment.
11. The Hellenic Police has noted that this gap has resulted in a substantial backlog of pending applications and difficulties in the social and economic life of the persons concerned.<sup>10</sup> The Ombudsman has reported cases of beneficiaries whose applications have been pending for over a year. These delays have resulted *inter alia* in barriers to

<sup>5</sup> DADP carried a blue stamp indicating a grant of international protection. However, recently issued DADP follow a new format, where no such mention is indicated.

<sup>6</sup> Including in cases of homeless beneficiaries in Victoria Square who had received "homelessness certificates" by the Ministry of Migration and Asylum: RSA, 'Recognised but unprotected: The situation of refugees in Victoria Square', 3 August 2020, available at: <https://bit.ly/3p34Cow>.

<sup>7</sup> Ministry of Migration and Asylum, 'Ανακοίνωση για τη λειτουργία της Υπηρεσίας Ασύλου έως την 28.2.2021', 21 February 2021, available at: <https://bit.ly/3kjLCSa>.

<sup>8</sup> Ministry of Migration and Asylum, 'Άδειες διαμονής', available at: <https://bit.ly/3bp9VKd>.

<sup>9</sup> Article 15 L 4703/2020, Gov. Gazette A' 131/10.07.2020, available at: <https://bit.ly/3d7Lq71>.

<sup>10</sup> Directorate of the Hellenic Police, 'Ανανέωση αδειών διαμονής δικαιούχων διεθνούς προστασίας', Reply to the Ombudsman, 32774/2020, 14 July 2020, available at: <https://bit.ly/2Ksl5UI>.

accessing social benefits and health care and in loss of employment.<sup>11</sup> RSA follows different cases of beneficiaries in the Attica region who have been waiting for the issuance and/or renewal of their ADET for over 6 months from their application, and in some cases one year. In the meantime, the persons cannot access their rights as status holders and, if they hold an expired ADET or hold no documentation at all, cannot certify their signature so as to authorise a legal representative.

12. In the cases of beneficiaries returned from other European countries in recent months, monitored by RSA, persons await the renewal or reissuance of their ADET and have not been issued any other documentation pending the delivery of the ADET.
13. Importantly, the start date of validity of the ADET corresponds to the date of issuance of the ADET Decision by the Asylum Service, not the issuance of the ADET itself. This creates serious risks for holders of subsidiary protection whose ADET has a one-year validity period,<sup>12</sup> given that the ADET issued to them are often close to expiry and need to be immediately renewed due to the delays described above.
14. On account of the substantial backlog of cases before the Aliens Police Directorate of Attica, beneficiaries of international protection who do not hold a valid ADET upon return to Greece are liable to face particularly lengthy waiting times for the issuance and/or renewal of their ADET, without which they cannot access social benefits, health care and the labour market.

#### Tax Identification Number (AFM)

15. The Tax Identification Number (*Αριθμός Φορολογικού Μητρώου*, AFM) is a prerequisite for acts such as opening of a bank account, rental of property, issuance of AMKA and access to the labour market and social assistance in Greece.
16. Individuals wishing to register with a Tax Office (*Διεύθυνση Οικονομικών Υποθέσεων*, DOY) with a view to obtaining AFM are required to certify their residence address through a certificate from a reception centre, an electricity bill or a copy of a rental contract in their name. Accordingly, beneficiaries of international protection who do not hold a residence certificate and/or are homeless are unable to obtain AFM. As a result, they cannot submit a tax declaration or obtain a tax clearance certificate.
17. Pursuant to a Decision of the Independent Authority for Public Revenue (*Ανεξάρτητη Αρχή Δημοσίων Εσόδων*, AADE) entering into force at the end of December 2020, asylum seekers completing the registration of their asylum application are to automatically receive an AFM corresponding to their individual case file number (*αριθμός Διεύθυνσης Κρατικής Ασφάλειας*, DIKA).<sup>13</sup> At that stage, the asylum authorities shall complete the AFM issuance procedure online and issue an AFM certificate to the applicant.<sup>14</sup> The decision has been adopted in an effort to ease pressure on DOY across the country.<sup>15</sup> However, asylum seekers continue to request AFM directly from the DOY until the information systems managed by AADE and the Asylum Service have been fully interconnected to enable the roll-out of the new

<sup>11</sup> Ombudsman, 'Ανανέωση αδειών διαμονής δικαιούχων διεθνούς προστασίας', 28 May 2020, available at: <https://bit.ly/3nqhKUT>.

<sup>12</sup> Article 24(1) L 4636/2019 (IPA), Gov. Gazette A' 169/1.11.2019, available at: <https://bit.ly/3bqSEQP>.

<sup>13</sup> Articles 1(3) and 8 AADE Decision A1270/2020, Gov. Gazette B' 5508/14.12.2020, available at: <https://bit.ly/2YVY4h0>.

<sup>14</sup> Article 2(1) AADE Decision A1270/2020.

<sup>15</sup> Ministry of Migration and Asylum, 'Ψηφιακή έκδοση ΑΦΜ σε αιτούντες άσυλο', 15 December 2020, available at: <https://bit.ly/3mmvZsn>.

procedure.<sup>16</sup> The AADE Decision does not apply to AFM issuance to beneficiaries of international protection.

18. Severe delays persist with regard to the issuance of AFM and online login credentials (κλειδάριθμος), also known as "TAXISnet" codes, necessary for receiving tax clearance. The credentials are also necessary for persons who have AFM but do not hold their AFM issuance certificate (Βεβαίωση Απόδοσης ΑΦΜ). Illustratively, RSA is following the case of a beneficiary returned from Germany in August 2020 whose request for a copy of her AFM certificate was denied by the DOY on the ground that she did not possess a valid residence permit.

#### Social Security Number (AMKA)

19. AMKA is a prerequisite for access to both health care and the labour market. According to the Ministry of Labour and Social Affairs Circular in force since October 2019, beneficiaries of international protection can request AMKA from any Citizens' Service Centre (Κέντρο Εξυπηρέτησης Πολιτών, KEP) if they hold a residence permit, a correspondence address and AFM.<sup>17</sup> Asylum seekers are not eligible for AMKA,<sup>18</sup> but obtain a Provisional Foreigner's Insurance and Health Care Number (Προσωρινός Αριθμός Ασφάλισης και Υγειονομικής Περιθαλψης Αλλοδαπού, ΠΑΑΥΠΑ).<sup>19</sup> This number is issued upon the issuance of the DADP, and is converted into AMKA within 1 month of the delivery of the ADET.<sup>20</sup> Therefore, that the obstacles to and prolonged waiting times for obtaining a residence permit affect the issuance of AMKA, resulting in depriving beneficiaries of international protection of the necessary documentation to access the health care system.
20. Moreover, additional requirements for AMKA have been imposed by authorities in practice. Certain KEP require beneficiaries of international protection to provide them a "certificate of ADET delivery date" (βεβαίωση ημερομηνίας παραλαβής ΑΔΕΤ) in addition to their residence permit. However, this document is not issued to people upon the delivery of their residence permit, therefore they are unable to produce it.
21. The issuance of AMKA to beneficiaries is also marred by technical problems encountered by the authorities in adapting their personal details registered in residence permits into Greek characters, even though no such obligation is set out in domestic legislation.<sup>21</sup>
22. Finally, practical obstacles to accessing health care currently face ΠΑΑΥΠΑ holders as well, due to the fact that the Provisional Number is automatically de-activated upon the expiry of the DADP.<sup>22</sup> In the peculiar context of the COVID-19 pandemic, since June 2020 Greece has introduced successive legislative extensions of the duration of validity

<sup>16</sup> Article 7 AADE Decision A1270/2020.

<sup>17</sup> Ministry of Labour and Social Affairs, Circular 80320/42862/Δ18.2718 "specifications on the issuance of AMKA by EFKA and KEP", 1 October 2019, available at: <https://bit.ly/2VBYND6>. See also Annex to the Circular, 30, available at: <https://bit.ly/3bEXXuT>.

<sup>18</sup> Ministry of Labour and Social Affairs, Circular Φ.80320/οικ.31355/Δ18.2084 "on the issuance of AMKA to foreign nationals", 11 July 2019, available at: <https://bit.ly/2Ldd5ny>.

<sup>19</sup> Article 1 Joint Ministerial Decision 717/2020, Gov. Gazette B' 199/31.01.2020, available at: <https://bit.ly/2MOHddl>.

<sup>20</sup> Article 11 Joint Ministerial Decision 717/2020.

<sup>21</sup> Ombudsman, 'Ζητήματα απόδοσης AMKA, ΚΥΠΑ και συναφή προσκόμματα πρόσβασης στην εργασία, ασφάλιση και υγεία των αιτούντων διεθνή προστασία και των ανηλίκων', 10 September 2019, 3-4, available at: <https://bit.ly/2zLIRWM>.

<sup>22</sup> Article 6 Joint Ministerial Decision 717/2020.

of DADP, the latest extending validity until the end of March 2021,<sup>23</sup> without ensuring that the corollary PAAYPA will remain active. As a result, asylum seekers and beneficiaries of international protection awaiting their residence permit are unable to make use of their PAAYPA in order to access health services and medicine.

### Social welfare

23. There is no dedicated social benefit for status holders in Greece to guarantee their transition into the social welfare system in view of their particular circumstances. Financial allowances ("cash assistance") provided to asylum seekers as part of material reception conditions is automatically ceased within 30 days of the granting of international protection.<sup>24</sup>
24. The guaranteed minimum income (*ελάχιστο εγγυημένο εισόδημα*),<sup>25</sup> formerly known as Social Solidarity Income (*Κοινωνικό Επίδομα Αλληλεγγύης*, KEA),<sup>26</sup> is a 200 € monthly allowance per household, plus 100 € per additional adult and 50 € per additional child. The guaranteed minimum income is formally available to beneficiaries of international protection.<sup>27</sup> However, the competent authority does not keep disaggregated statistics on the number of beneficiaries of international protection receiving the guaranteed minimum income.<sup>28</sup>
25. Access to the guaranteed minimum income is conditioned *inter alia* on possession of ADET, AFM, tax clearance, AMKA and bank account.
26. Eligibility for guaranteed minimum income is reserved to "households" with a registered address proven by a rental contract signed 6 months prior to the application, and to "homeless persons" living below the poverty line.<sup>29</sup> As highlighted by the Ombudsman, the reference to "households" in the law results in excluding from guaranteed minimum income many persons or families who, owing to a lack of resources, have to move in with a person or household living above the poverty line or are hosted without receiving any form of social welfare, without being members of the same household. Persons hosted in facilities due to homelessness are equally excluded from the scope of "household".<sup>30</sup> The Ministry of Labour and Social Affairs has not responded to the Ombudsman's recommendations of legislative reform to ensure coverage of these groups at the time of writing.<sup>31</sup>
27. "Homeless persons" must provide a homelessness certificate by a municipality or a certificate of use of services of a municipality drop-in centre for the homeless or a municipality temporary shelter or women's shelter.<sup>32</sup> Residence in a refugee camp

<sup>23</sup> Minister of Migration and Asylum Decision 11341/2020, Gov. Gazette B' 2252/11.06.2020; Decision 18602/2020, Gov. Gazette B' 3881/11.09.2020; Article 156(3) Law 4764/2020, Gov. Gazette A' 256/23.12.2020.

<sup>24</sup> Article 5(1) Ministry of Migration and Asylum Decision 16987/2020, Gov. Gazette B' 2587/26.06.2020, available at: <https://bit.ly/3diZ3Ag>.

<sup>25</sup> Article 29(2) Law 4659/2020, Gov. Gazette A' 21/3.2.2020, available at: <https://bit.ly/2zhWxZ0>.

<sup>26</sup> Article 235 Law 4389/2016, as last amended by Law 4756/2020, Gov. Gazette A' 235/26.11.2020, available at: <https://bit.ly/3slkeWx>.

<sup>27</sup> OPEKA, *Ελάχιστο Εγγυημένο Εισόδημα (KEA)*, available at: <https://bit.ly/3chQsdD>.

<sup>28</sup> Information provided by OPEKA, January 2021.

<sup>29</sup> Article 235(1) Law 4389/2016.

<sup>30</sup> Ombudsman, *Πρότασεις για τα προνοιακά προγράμματα «Ελάχιστο Εγγυημένο Εισόδημα» και «Επίδομα Στέγασης»*, 103/2020, 6 July 2020.

<sup>31</sup> Ombudsman, No 253053/3945/2021, 20 January 2021.

<sup>32</sup> Article 5 Joint Ministerial Decision Δ13/οικ./33475/1935, Gov. Gazette B' 2281/15.06.2018, available at: <https://bit.ly/2WHfFHO>. See also Article 235(2)(c) Law 4389/2016, as amended by Law 4756/2020.

does not constitute proof of address for this purpose. As a rule, a homelessness certificate is issued by the Municipality of Athens only to persons living on the streets as identified by Centre for Reception and Solidarity of the Municipality of Athens (Κέντρο Υποδοχής και Αλληλεγγυής Δήμου Αθηναίων, KYADA) staff in the course of their street work.<sup>33</sup> This excludes the homeless living in 'squats', living unregistered in refugee camps, moving between houses of co-nationals in order to avoid the streets, or regularly changing locations along with their belongings for security reasons. In addition, KYADA issues a homelessness certificate for specific reasons e.g. social benefits, only as long as all other conditions for access thereto are met. Therefore, many homeless persons are unable to obtain such a certificate so as to fulfil the conditions for guaranteed minimum income.

28. The housing allowance (επίδομα στέγασης) is available to up to 600,000 households living in rented accommodation or paying a mortgage on their main family home.<sup>34</sup> Eligible persons must legally and permanently reside in Greece for a minimum of 5 years prior to applying for a rental allowance.<sup>35</sup> This condition renders the allowance inaccessible to beneficiaries who obtained status in recent years and/or to those who have not managed to submit tax declarations on time and/or who have not remained in Greece without interruption. The one-off child-birth allowance introduced in 2020 is available to mothers who are third-country nationals, including beneficiaries, upon condition that they establish 12 years of permanent and uninterrupted residence in Greece, as demonstrated through the submission of tax declarations.<sup>36</sup> Accordingly, the vast majority of status holders are excluded from this benefit. The monthly child support allowance – ranging from 28 € to 70 € per child according to income and household size – is expressly available to persons who fulfil 5 years of permanent and uninterrupted residence in Greece, as demonstrated through the submission of tax declarations.<sup>37</sup> Disability benefits are conditioned upon examination by the Disability Accreditation Centre and establishment of over 67% of disability for a person to be eligible for the severe disability allowance. The uninsured retiree benefit, up to a maximum of 360 € for an uninsured person aged 67, is available to persons who have had permanent and uninterrupted residence in Greece for 15 years.<sup>38</sup>
29. The lengthy residence requirements underpinning most benefits do not take into account the particular situation of refugees and thereby entail differential treatment against beneficiaries of international protection compared to nationals and effectively exclude them from most forms of social assistance. As concluded by the Asylum Information Database (AIDA) report on Greece, “except for KEA, there are no other effective allowances in practice.”<sup>39</sup> It is worth highlighting that the guaranteed minimum income is not designed to cover the particular needs of beneficiaries during their transition into the social welfare system.

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<sup>33</sup> Information provided by KYADA, 3 December 2019.

<sup>34</sup> Article 3 Law 4472/2017, Gov. Gazette A' 74/19.05.2017, available at: <https://bit.ly/2zpEkZm>.

<sup>35</sup> Article 3(6) Law 4472/2017, inserted by Article 17 Law 4659/2020. Residence is established based on the submission of tax declarations within the requisite deadlines.

<sup>36</sup> Articles 1(2) and 7(1)(e) and (2) Law 4659/2020.

<sup>37</sup> Article 214(11) Law 4512/2012, as amended by Article 15(1) Law 4659/2020. The above observations on timely tax declarations are applicable.

<sup>38</sup> Article 93 Law 4387/2016.

<sup>39</sup> AIDA, *Country Report Greece, 2019 Update*, June 2020, 222, available at: <https://bit.ly/36TnOiw>.



## Housing

### HELIOS and housing support programmes

30. The only official integration programme currently operating in Greece is the Asylum, Migration and Integration Fund (AMIF) supported "Hellenic Integration Support for Beneficiaries of International Protection" (HELIOS),<sup>40</sup> implemented by the International Organisation for Migration (IOM) in partnership with several non-governmental organisations. The programme runs from July 2019 to June 2021 under current funding.<sup>41</sup>
31. Enrolment on HELIOS has to be done within one year of the notification of a positive decision.<sup>42</sup> Eligibility for enrolment on HELIOS is subject to the following criteria: (a) recognition as a refugee or beneficiary of subsidiary protection after 1 January 2018; and (b) official registration and residence in the reception system in an open reception facility (refugee camp), a Reception and Identification Centre (RIC), a hotel,<sup>43</sup> or an accommodation place under the ESTIA programme or official municipality shelters or other housing programmes e.g. for victims of trafficking, at the time of notification of a positive decision on their asylum claim.<sup>44</sup> In light of this, beneficiaries of international protection who were not in Greece upon the approval of their asylum application are not eligible for enrolment on the HELIOS programme.
32. According to IOM statistics, 26,665 beneficiaries of international protection had been registered on the HELIOS programme by 5 February 2021. 34% were previously residents in an ESTIA place, 33% in mainland camps, 18% in hotels and 16% in RIC.<sup>45</sup>
33. HELIOS does not offer accommodation *per se*. it offers rental subsidies to assist beneficiaries in finding an accommodation place, upon condition they hold a rental agreement of a duration exceeding 6 months and a bank account. Assistance under HELIOS is offered for a period of 6 to 12 months, depending on the date of submission or the necessary documents; "the sooner a beneficiary submits all the necessary documents, the more months of rental subsidies he/she will receive".<sup>46</sup> The level of the rental subsidy ranges from €162 for a single adult to €630 for a six-member family.<sup>47</sup> In addition to a monthly subsidy, beneficiaries receive a one-off sum ranging from €440 to €1,490 to pay the rental deposit and cover settling-in expenses.<sup>48</sup>
34. In addition to the precondition of possession of AFM and a bank account, severe barriers to securing a rental agreement persist. Beneficiaries of international protection continue to report problems in communicating with landlords, as well as discrimination

<sup>40</sup> IOM, *Hellenic Integration Support for Beneficiaries of International Protection (HELIOS)*, available at: <https://bit.ly/2S21ZFJ>.

<sup>41</sup> Information provided by IOM, 9 February 2021.

<sup>42</sup> *Ibid*; IOM, *HELIOS Project Regulations Handbook*, December 2020, available at: <https://bit.ly/3b6MXc7>.

<sup>43</sup> Accommodation in hotels is provided under the "FILOXENIA - Temporary Shelter and Protection for the Most Vulnerable Migrants in Greece" implemented by IOM. The programme was terminated at the end of 2020.

<sup>44</sup> Information provided by IOM, 9 February 2021. See also IOM, *HELIOS Project Regulations Handbook*, December 2020; Ministry of Migration and Asylum, Reply to parliamentary question by Hellenic Solution, 20/2021, 29 January 2021, available at: <https://bit.ly/3jiMANZ>. IOM, *HELIOS Factsheet*, 5 February 2021, available at: <https://bit.ly/3moWQ6Y>.

<sup>45</sup> *Ibid*.

<sup>46</sup> General Secretariat for Migration Policy, 'Μέτρα ένταξης ευάλωτων δικαιούχων προσφυγικού καθεστώτος / επικουρικής προστασίας κατόπιν έξωσης από τις παροχές του προγράμματος ESTIA', Reply to the Ombudsman, 10848, 7 September 2020, available at: <https://bit.ly/34hbW8E>.

<sup>48</sup> IOM, *HELIOS Project Regulations Handbook*, December 2020.

in the housing market and xenophobic stances from local authorities.<sup>49</sup> Moreover, most beneficiaries cannot find an apartment to rent due to the lack of affordable properties and to high demand, particularly in Attica.<sup>50</sup> Over the past two years, rent prices have increased by 20% to 30% in central Athens and by 10% to 15% in the Attica suburbs.<sup>51</sup> In addition to rent, beneficiaries have to cover utility bills and other expenses. Therefore, the HELIOS rent subsidy alone is often insufficient to ensure their subsistence.

35. According to the Ministry of Migration and Asylum, HELIOS has capacity to offer rental subsidies to 5,000 households, reaching up to 11,200 people depending on household composition.<sup>52</sup> According to IOM, the project aims to cover 7,200 households by the end of June 2021.<sup>53</sup> From its launch to 5 February 2021, HELIOS had provided rental subsidies to 4,304 households, totalling 11,009 beneficiaries. There is no available breakdown of rental subsidies by duration.<sup>54</sup> Based on the aforementioned figures, it remains clear that accommodation support under HELIOS has only been provided to a small fraction of the refugee population in Greece. From the start of the reference period covered by the programme, 1 January 2018, until the end of 2020, 71,812 persons received international protection at first and second instance.<sup>55</sup> Therefore, only one out of seven people granted status in Greece has been able to access rental subsidies under the HELIOS programme.
36. The number of households currently benefitting from HELIOS subsidies is 2,926, corresponding to 7,667 persons.<sup>56</sup> Accordingly, as many as 3,342 beneficiaries have ceased receiving rental subsidies under the HELIOS programme.
37. Beyond HELIOS, small-scale pilot projects offering housing support include “Curing the Limbo”, a project run by the Municipality of Athens from April 2018 to March 2021. Housing support under the project is available for a 9-month period and the level of financial assistance varies according to the composition of the household. “Curing the Limbo” has stopped accepting new beneficiaries since the project is coming to an end in March 2021. The last instalment of housing support to persons covered by the project was provided in January 2021.<sup>57</sup> Since its launch, the project has supported 298 beneficiaries in accessing housing.<sup>58</sup>
38. RSA is not aware of other programmes run by non-governmental organisations to support beneficiaries of international protection in accessing housing. Organisations Greek Council for Refugees, SolidarityNow, Arsis and PRAKSIS have informed RSA that

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<sup>49</sup> See e.g. a call from the Deputy Governor of Chios on landlords not to let property to migrants: Alithia, ‘Μην ενοικιάζετε σε μετανάστες λέει ο Αντιπεριφερειάρχης υγείας!’, 22 April 2020, available at: <https://bit.ly/2zyDg63>.

<sup>50</sup> Ethnos, ‘Ακίνητα: Οι περιοχές της Αττικής με διαθεσιμότητα ενοικίων έως 550 ευρώ για οικογένειες’, 15 November 2020, available at: <https://bit.ly/3bdmZUm>.

<sup>51</sup> Ethnos, ‘Απότομη αύξηση ενοικίων σε συνοικίες της Αττικής - Οι τιμές ανά περιοχή (πίνακες)’, 24 October 2020, available at: <https://bit.ly/3b6vu3y>.

<sup>52</sup> Ministry of Migration and Asylum, Reply to parliamentary question by SYRIZA, 581/2020, 8 January 2021, 3, available at: <https://bit.ly/3i5jWze>.

<sup>53</sup> Information provided by IOM, 9 February 2021.

<sup>54</sup> *Ibid.*

<sup>55</sup> AIDA, *Country Report Greece, 2018 Update*, March 2019, 8, 50; *Country Report Greece, 2019 Update*, June 2020, 8, 63; Ministry of Migration and Asylum, *Ετήσιο ενημερωτικό σημείωμα 2020*, January 2021, 12, 15, available at: <https://bit.ly/3aMzZP1>.

<sup>56</sup> IOM, *HELIOS Factsheet*, 5 February 2021, available at: <https://bit.ly/3moWQ6Y>.

<sup>57</sup> Information provided by the Municipality of Athens, 11 February 2021.

<sup>58</sup> *Curing the Limbo, Το πρόγραμμα σε αριθμούς*, December 2020, available at: <https://bit.ly/3ePFnCF>.

they do not currently provide housing or housing support to beneficiaries outside HELIOS.<sup>59</sup> There is no known list of organisations offering housing to status holders.<sup>60</sup>

### Homelessness & destitution

39. Since the summer of 2020, thousands of beneficiaries of international protection have ended up homeless after being informed that they had to leave their places in the reception system within 30 days of the grant of international protection. People have been exposed to destitution and have slept rough in Victoria Square and other parts of Athens. Following several forcible removal operations, the Police has transported them to refugee camps (e.g. Malakasa, Elaionas, Skaramangas, Thiva) and even to detention facilities (Amygdaleza), where they have remained as unregistered residents. Living conditions for unregistered residents in Attica camps, many of them severely overcrowded,<sup>61</sup> involve serious material deprivation: people slept on the floor and were excluded from the entitlements afforded to asylum seekers.<sup>62</sup>
40. Risks of homelessness among persons granted international protection remain high at the time of writing, given the 30-day deadline for persons to vacate their reception places upon obtaining international protection. As of early February 2021, as many as 10,405 recognised refugees resided in the country's refugee camps alone,<sup>63</sup> while 6,199 beneficiaries of international protection resided in ESTIA at the end of 2020.<sup>64</sup> Persons residing in ESTIA accommodation are being served complaints (εξώδικα) by the organisations operating apartments, threatening them with legal action if they fail to vacate the premises. Media reports confirm that hundreds are being left on the street in February 2021 amid the COVID-19 pandemic and harsh winter conditions.<sup>65</sup> At the end of the month, status holders became homeless yet again across the territory, after being requested to leave their places in hotels running under the FILOXENIA programme, as mentioned below.<sup>66</sup> In Athens, approximately 70 people ended up in Victoria Square and were transferred by the authorities to the pre-removal detention centre of Amygdaleza.<sup>67</sup>
41. Alongside persons currently exiting the reception system, beneficiaries who have gone through the HELIOS programme are yet again at risk of homelessness after their rental subsidies come to an end. As mentioned above, as many as 3,342 beneficiaries have ceased receiving the subsidies. In several cases followed by RSA in Attica, these

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<sup>59</sup> Information provided by the Greek Council for Refugees, 15 February 2021; SolidarityNow, 16 February 2021; Arsis, 15 February 2021. PRAKSIS will start a project in March 2021 to offer housing to 20 single-parent families led by female status holders: Information provided by PRAKSIS, 15 January 2021.

<sup>60</sup> Information provided by UNHCR, 29 January 2020.

<sup>61</sup> The occupancy rate is currently 127% in Elaionas and 101% in Malakasa and Schisto: IOM, *SMS Factsheet*, December 2020, available at: <https://bit.ly/3cUviW1>.

<sup>62</sup> RSA, 'Recognised but unprotected: The situation of refugees in Victoria Square', 3 August 2020, available at: <https://bit.ly/3p34Cow>.

<sup>63</sup> Hellenic Parliament, Plenary Session OZ', 8 February 2021, 135, available at: <https://bit.ly/3pc97Nx>.

<sup>64</sup> UNHCR, *Greece Factsheet*, December 2020, available at: <https://bit.ly/3pgdgiN>.

<sup>65</sup> On the situation of 11 families in Agioi Theodoroi, see Efsyn, 'Εβγαλαν στο δρόμο 11 οικογένειες προσφύγων μέσα στο ψύχος', 14 February 2021, available at: <https://bit.ly/3dbPhzD>. On several hundred people in Grevena, Alterthess, 'Γρεβενά: Βγάζουν στον δρόμο εκατοντάδες πρόσφυγες με απόφαση Μητράκη', available at: <https://bit.ly/3sbuCjy>.

<sup>66</sup> On the situation of people in Sparti, Laconia Live, 'Αποχώρησαν με προορισμό το άγνωστο οι πρόσφυγες της Σπάρτης', 5 March 2021, available at: <https://bit.ly/3f0xfoG>.

<sup>67</sup> Avgi, 'Προσφυγικό / Στην Αμυδαλέζα οι άστεγοι πρόσφυγες της πλατείας Βικτωρίας', 2 March 2021, available at: <https://bit.ly/3b9ZFH0>.

persons are unable to continue renting property and end up homeless on the street, while many return to camps as unregistered residents.<sup>68</sup>

42. In addition, RSA is monitoring cases of status holders returned from other countries in recent months remain in prolonged destitution. A beneficiary returned from Germany in August 2020 has been sleeping rough in Athens for seven months. Another returned from Germany in January 2021 has secretly moved back into a refugee camp as an unregistered resident in precarious conditions, and was informed by the camp management in February 2021 that she was not allowed to stay in the camp.
43. Status holders could seek access to short-term homeless shelters offering accommodation for 3 to 6 months. However, homeless shelters operated throughout the country do not specifically target beneficiaries of international protection, although some are open to them.<sup>69</sup> The observations made by RSA and Stiftung PRO ASYL in *Kurdestan Darwesh* remain valid at the time of writing: access to the shelters is restricted by a number of criteria, given that (1) the majority of shelters only accept Greek or English speakers due to a lack of interpreters; (2) all shelters (except one for refugees with serious mental problems) are unavailable to persons with mental health conditions; (3) the only shelter designed for families has been suspended, only two shelters exceptionally admit families and one accepts women with children, notably victims of domestic violence; (4) state-run shelters require AFM and a tax clearance and medical examinations, including a COVID-19 test; and (5) their capacity is consistently extremely restricted.<sup>70</sup> The KYADA Multi-Purpose Shelter does not currently accept placements.<sup>71</sup> Some of the shelters only offer dormitories and thus require residents to leave during daytime, while the period of stay in dormitories cannot exceed 15 days to one month.<sup>72</sup> The Greek Housing Network recently stressed the absence of measures in Athens to shelter the homeless “living on the street, at store entrances, in church yards, squares, tents and parks”, including many arriving from other municipalities.<sup>73</sup>
44. Against the backdrop of increasing numbers of people ending up homeless in Attica, IOM launched in September 2020 a pilot project under its FILOXENIA programme to offer emergency accommodation in hotels for 2 months to beneficiaries exiting reception facilities on the islands, to assist their transition into housing.<sup>74</sup> By the end of 2020, 1,838 beneficiaries of international protection were accommodated in hotels under the “FILOXENIA-INTEGRATION” project.<sup>75</sup> This project will end in February 2021 and will not be renewed, without any arrangements for the persons hosted therein.

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<sup>68</sup> See also Alterthess, ‘Άστεγοί... των προγραμμάτων στέγασης’, 3 February 2021, available at: <https://bit.ly/3qgUoCF>.

<sup>69</sup> Note that, according to Article 33 IPA, beneficiaries of international protection have a right to accommodation under the same conditions as other legally residing third-country nationals. The law does not guarantee them equal treatment to Greek nationals.

<sup>70</sup> Lack of capacity is a recurring concern: RSA & PRO ASYL, *Legal Note on the living conditions of beneficiaries of international protection in Greece*, August 2018, 6, available at: <https://bit.ly/35i36GU>, as well as 2019.

<sup>71</sup> Information provided by KYADA, 23 February 2021.

<sup>72</sup> RSA & Stiftung PRO ASYL, *Third party intervention in Kurdestan Darwesh v. Greece and the Netherlands*, 4 June 2020, paras 44-47, available at: <https://bit.ly/3qZX8Hp>.

<sup>73</sup> Greek Housing Network, ‘Μόνο ο καιρός αποφασίζει για τους άστεγους’, 19 February 2021, available at: <https://bit.ly/3bweGBL>.

<sup>74</sup> Ministry of Migration and Asylum, ‘Λύση στην πλατεία Βικτωρίας δίνει η νέα πιλοτική δράση Υπουργείου Μετανάστευσης και Ασύλου και ΔΟΜ’, 24 September 2020, available at: <https://bit.ly/3gZmWwA>.

<sup>75</sup> Ministry of Migration and Asylum, Reply to parliamentary question by SYRIZA, 581/2020, 8 January 2021, 2.

45. Access to food distributed by the few soup kitchens in operation is restricted in practice. Out of 5 soup kitchens operating in the Attica region: "Equal Society" requires documents including a tax declaration, a registered address or a homelessness certificate, and AMKA; "Helping Hand – Evangeliki" does not accept new persons for the next two months; "Caritas" has no interpretation services and requires registration.
46. In light of the above, beneficiaries of international protection, including those returned to Greece from other countries, run a real risk of destitution, extreme material deprivation and a complete lack of accommodation engaging Article 3 ECHR.<sup>76</sup>

### Health care

47. As described above, beneficiaries of international protection who do not possess ADET cannot obtain AMKA in practice. Those who do not possess AMKA or PAAYPA are required to bear the costs of medication and tests, which can become exorbitant in cases involving conditions which require specialised medical checks on a regular basis.
48. In addition, the language barrier remains a key obstacle to beneficiaries' access to health care. Hospitals in the Attica region continue to lack available interpretation services to communicate with patients. For example, according to information provided to RSA: (a) the "Evangelismos" General Hospital of Athens has one interpreter for Farsi and Dari on a full-time basis, and one interpreter for Arabic during specific hours, both responsible for the entire hospital;<sup>77</sup> (b) the "Gennimatas", "Sotiria" and "Sismanoglio" General Hospitals of Athens only have one interpreter each for Arabic, responsible for the entire hospital;<sup>78</sup> (c) the "Aiginio" Hospital and "Dromokaitio" Psychiatric Hospital of Athens require patients to bring their own interpreter.<sup>79</sup>
49. The increased digitalisation of public services in light of the COVID-19 pandemic has exacerbated barriers to access to health care for refugees. According to assisting organisations, homeless persons often lack the means to book appointments electronically or via phone and require assistance by mediators.<sup>80</sup>

### Employment

50. The observations made by RSA and Stiftung PRO ASYL in *Kurdestan Darwesh* remain valid at the time of writing.<sup>81</sup> Vocational training programmes and employment programmes in the agricultural sector previously announced by the government have never been implemented to date.
51. According to the Greek authorities, HELIOS offers job counselling to beneficiaries, involving a total of 360 hours per beneficiary, as well as language courses.<sup>82</sup> However, access to language courses is not consistently ensured for persons enrolled on HELIOS, partly due to capacity reasons and due to the restrictions posed by the COVID-19 pandemic, where remote online learning is not available to those who lack the

<sup>76</sup> See *inter alia* (Netherlands) Council of State, 202006266/1/V3, 28 January 2021.

<sup>77</sup> Information provided by the "Evangelismos" General Hospital of Athens, 3 September 2020.

<sup>78</sup> Information provided by the "Gennimatas", "Sotiria", "Sismanoglio" General Hospitals of Athens, 3 September 2020.

<sup>79</sup> Information provided by the "Aiginio" University of Athens Hospital, 3 September 2020; "Dromokaitio" Psychiatric Hospital of Athens, 3 September 2020.

<sup>80</sup> Inside Story, 'Αυτοί που είναι στον δρόμο όταν «μένουμε σπίτι»', 2 December 2020, available at: <https://bit.ly/2JzjAO7>.

<sup>81</sup> RSA & Stiftung PRO ASYL, *Third party intervention in Kurdestan Darwesh v. Greece and the Netherlands*, 4 June 2020, paras 48-53, available at: <https://bit.ly/3qzXBHp>.

<sup>82</sup> Ministry of Migration and Asylum, Reply to parliamentary question by Hellenic Solution, 20/2021, 29 January 2021, available at: <https://bit.ly/3jiMANZ>.

requisite infrastructure. In at least two cases monitored by RSA, beneficiaries enrolled on HELIOS in July 2020 are yet to be contacted regarding the start of their language courses. Language courses run by the KEM in Athens are subject to waiting lists of 7-8 months at the time of writing.<sup>83</sup>

### Remedies against violations of rights

52. Greek law does not foresee any specific remedy to beneficiaries of international protection where their rights are not guaranteed. Judicial review, i.e. the application for annulment (*αίτηση ακύρωσης*) before the Administrative Court against acts or omissions of the administration is also an ineffective remedy, since it requires an individual administrative act or omission (*παράλειψη οφειλούμενης πράξης*) by an administrative authority which would not apply to cases such as access to housing. Moreover, the remedy: (1) entails lengthy procedures of up to 3 years and high court fees; (2) consists in judicial review of points of law and not fact; (3) does not carry automatic suspensive effect, while a suspension request is not allowed in cases concerning omission of state duties.
53. In addition, the compensation claim (*αγωγή αποζημίωσης*) against acts or omissions of the state<sup>84</sup> is an ineffective remedy, as: (1) only entitles the claimant to financial compensation and not redress with regard to the rights denied; and (2) entails lengthy procedures, during which the claimant cannot apply for interim measures.
54. Non-judicial requests before the administration to secure access to socio-economic rights are equally marred by ineffectiveness in practice. In the current context facing beneficiaries, of international protection, on 22 July 2020, RSA filed complaints (*εξώδικη δήλωση, πρόσκληση και διαμαρτυρία*) before the General Secretariat for Reception and Asylum, under the Ministry of Migration and Asylum, on behalf of 2 families of beneficiaries who were homeless in the streets of Athens. The applicants requested the authorities to immediately provide them with living conditions suitable to the best interests of their children and their medical condition, including accommodation until they were able to access housing support through HELIOS. At the time of writing, the General Secretariat has neither issued an official reply nor acted upon the complaints.
55. Accordingly, there is no effective remedy available to beneficiaries of international protection who have suffered violations of Article 3 ECHR stemming from denial of socio-economic rights and extreme material deprivation in Greece, including those returned from other European countries.

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<sup>83</sup> Information provided by the KEM of the Municipality of Athens, 23 February 2021.

<sup>84</sup> Article 105 Law 2783/1941.



**Refugee Support Aegean (RSA)**

Iasona Kalampoka 30  
82131 Chios, Greece  
+30 22711 03721  
info@rsaegean.org  
<http://rsaegean.org/>

**stiftung  
PRO ASYL**

**Stiftung PRO ASYL**

P.O. Box 16 06 24  
Frankfurt 60069, Germany  
+49 69 2423150  
europa@proasyl.de  
<http://proasyl.de>