

# Navigating the Aegean

## What the EU ought to know, and say, about refugees and the Greek islands

### A policy proposal

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## **Executive summary**

This paper has one simple purpose: it is an appeal to European institutions to improve their reporting on what is actually happening on Lesbos, Chios, and other Greek islands. The information that is needed to assess the implementation of the EU-Turkey agreement is straightforward and should be presented in a weekly update. The fact that this does not exist yet is troubling. It raises the possibility that European institutions do not have this information. It also suggests that the implementation of the EU-Turkey agreement is not proceeding as foreseen, and that the EU support mission to Greece resembles a vessel sailing in the dark, without instruments, without a captain, which might hit a rock at any moment.

Key information needed to assess the implementation of the EU-Turkey agreement needs to be presented better. What is required would be for the following key facts to be published weekly:

1. The number of people on the Greek islands and the capacity of accommodation centres
2. Daily arrivals on the islands in the past month
3. Asylum applications on Greek islands:
  - How many claims have been lodged?
  - How many interviews have been held?
  - How many first instance decisions have been taken?
  - How many appeals have been lodged?
  - How many second instance decisions have been taken?
4. The number of asylum case workers and interpreters deployed on each island
  - Greek
  - Member states/EASO – by nationality
5. The number, the composition and the location of appeals panels
  - Greek
  - Member states/EASO – by nationality
6. The daily number of people returned to Turkey from Greece
  - Nationality
  - Reasons for returns
7. How many Syrians resettled from Turkey (to which countries and when)

It is true that the numbers of people arriving on the Greek islands has fallen dramatically since the agreement entered into force on 20 March; but this is not due to an effective implementation of the provisions of this agreement. As long as this remains the case, the risk of setbacks remains unacceptably high.

## **Dead reckoning in the Aegean**

Throughout history seafarers navigating unknown waters needed to know certain things to be safe. Before the compass was invented, mariners used the stars to determine their course. They had a sounding line – a rope with weights – to determine the nature of the seabed. They would mark their place of departure, keep track of the speed of the boat through the use of a log – a rope with knots – and a sandglass, and try thus, imprecisely, to guess their position in a process called “dead reckoning”. In the open sea they would measure the angle between the horizon and an astronomical body. Without some basic information they would not know the position of their vessel in relation to the shore they tried to reach.

Today there are thousands of people across Europe – in national ministries, parliaments and in the European Commission, but also journalists and human rights activists – trying to understand the evolving situation on the Greek Aegean islands. They ask themselves: are things going well? Is the EU, are Greek authorities in a position to implement the terms of the agreement they reached with Turkey on 18 March this year, while respecting existing EU rules?<sup>1</sup> They would need a log, a sounding line and a sandglass. But here is the rug: the information they look for is currently not available.

This paper has one simple purpose: it is an appeal to European institutions to improve their reporting on what is actually happening on Lesbos, Chios, and other Greek islands. The information that is needed to assess the implementation of the EU-Turkey agreement is straightforward and should be presented in a weekly update. The fact that this does not exist yet is troubling. It raises the possibility that European institutions do not have this information. It suggests that perhaps the implementation of the EU-Turkey agreement is not proceeding as foreseen, and that the EU support mission to Greece resembles a vessel sailing in the dark, without instruments, without a captain, which might hit a rock at any moment.

### **A treasure hunt for facts**

At this moment a number of documents scattered around different websites provide essential information about the implementation of the EU-Turkey statement:

1. UNHCR publishes a “Daily Map” a few times a week.<sup>2</sup> It is based on figures provided by the Greek government. This map gives the numbers of migrants on the Greek islands at any moment, and lists the capacities available to house them.
2. UNHCR also publishes a “Daily Report” a few times a week. This provides information on the number of new arrivals to the islands.<sup>3</sup>
3. On 20 April the Commission published the first (13-page) report “on the progress made in the implementation of the EU-Turkey statement”.<sup>4</sup>

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<sup>1</sup> [EU-Turkey statement](#), 18 March 2016.

<sup>2</sup> The daily maps are published under “Maps” and then titles such as “Site locations in Greece”, “Sites in Greece” or names of individual islands on UNHCR’s website [Refugees/Migrants Emergency Response - Mediterranean, country section Greece](#).

<sup>3</sup> The daily reports are published under the title “Operations Cell Daily Report” and Greece data snapshot” on UNHCR’s website [Refugees/Migrants Emergency Response - Mediterranean, country section Greece](#).

<sup>4</sup> European Commission, [First Report on the progress made in the implementation of the EU-Turkey Statement](#), 20 April 2016.

4. The European Commission also publishes a table – “Operational implementation of the EU-Turkey Agreement” – every few days.<sup>5</sup> It shows how many officials – asylum case workers, border police, interpreters – are deployed to the Greek islands; how many people have been returned from Greece to Turkey; and how many Syrian refugees have been resettled from Turkey to the EU.
5. Finally, the European Commission regularly updates a table with the title “Situation at hotspots.”<sup>6</sup> This shows how many Frontex, EASO and other officials are deployed on which island.

Read carefully, these documents reveal many interesting facts. What is worrying are the important matters they do not even mention.<sup>7</sup>

(1)

The most recent UNHCR daily map was published yesterday, 3 May.<sup>8</sup> It gives the following information on the number of migrants and asylum seekers on the Greek islands:

*Table: Migrants and asylum seekers on Greek islands (3 May)*

<b>Island</b>	<b>Number</b>
Lesbos	4,124
Chios	2,265
Samos	1,047
Leros	494
Kos	163
Rhodes	89
<u>Kalymnos</u>	<u>8</u>
<b>Combined</b>	<b>8,190</b>

The UNHCR daily map also provides information on capacities to accommodate the migrants. On Lesbos, it notes, there are 3,500 places for 4,124 people. On Chios there are 1,100 places for 2,265. Is this a serious problem? The daily map does not say, nor does the Commission implementation report discuss this.

(2)

The most recent UNHCR daily report was published on 2 May.<sup>9</sup> It notes that zero people arrived on Greek islands on 1 May; that on average 114 people arrived on average in April; and how

<sup>5</sup> The most recent table on the “Operational implementation of the EU-Turkey Agreement” is available [here](#).

<sup>6</sup> The most recent table “State of Play of Hotspot capacity” is published [here](#).

<sup>7</sup> The website of the Greek Asylum Service does not offer much information to anyone who does not speak Greek. There are no up-to-date statistics accessible in English, and the last datasheet is from August 2014. The website looks as if time stopped; it still refers to “Dublin II”, which was replaced by Dublin III in 2013. Dublin III refers to the third [EU Regulation “establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person” of 26 June 2013](#). Dublin III substantially amended the Dublin II Regulation of 18 February 2003, which in turn had replaced the Dublin Convention, which had come into force in 1997.

<sup>8</sup> UNHCR, Europe Refugee Emergency – [Daily map indicating capacity and occupancy \(Governmental figures\) as of 3 May 2016](#).

<sup>9</sup> UNHCR Regional Bureau Europe, [Daily Report 2 May 2016](#).

this compares to daily arrivals in previous weeks. Here are the daily arrivals for the month of April:

*Table: Arrivals of migrants and asylum seekers on Greek islands (April 2016)*

<b>Date</b>	<b>Arrivals on Greek islands</b>
1 April	555
2	231
3	262
4	228
5	28
6	70
7	157
8	116
9	59
10	0
11	75
12	101
13	30
14	106
15	79
16	55
17	107
18	107
19	178
20	233
21	49
22	34
23	137
24	52
25	0
26	62
27	108
28	110
29	90
30	0
<b>Total April</b>	<b>3,419</b>

(3)

The European Commission's first and so far only report on the implementation of the EU-Turkey agreement was published on 20 April.<sup>10</sup> Let us call it the 20 April report.

The report notes that “faced with the prospect of rapid return to Turkey, the number of asylum applications has risen in the past two weeks during which almost 2,000 asylum applications were lodged in Greece.” This lack of precision is worrying. Why focus on “the past two weeks” if the EU-Turkey agreement entered into force a month before the report was issued? Were these applications all filed on the islands or elsewhere “in Greece”? If “almost 2,000” applications have been submitted, does this mean that another 6,000 people on the islands have not done so?

<sup>10</sup> European Commission, [First Report on the progress made in the implementation of the EU-Turkey Statement](#), 20 April 2016.

In fact, the report does not provide any information on how many of the 8,200 people on the Aegean islands have registered an asylum claim. Nor does it provide the number of decisions issued in response to such claims.

There is more detailed information when it comes to the question of how many migrants have been sent back from Greece to Turkey under the bilateral readmission agreement. The 20 April report gives their number as 325. It lists their nationalities: most of those returned were Pakistanis (240) and Afghans (42); among the 325 there were only 2 Syrians. An updated number can be found in a Commission table on the “operational implementation” from 29 April.<sup>11</sup> It lists the following transfers of people from Greece to Turkey:

*Table: Transfers of migrants from Greece to Turkey*

<b>Date</b>	<b>Transfers</b>
4 April	202
8 April	123
26 April	49
27 April	12
<b>Total in April</b>	<b>386</b>

This table does not give nationalities; but from media reports one learns that the 12 people returned on 27 April were all Syrians who chose to return voluntarily.<sup>12</sup> Thus, by the end of April the total number of people returned is 386, including 14 Syrians.

### **The invisible Greek case workers**

The existing reports also suggest another striking fact. It seems that not one of the 386 people returned so far had applied for asylum in Greece. This means that a central element of the EU-Turkey agreement – resolving individual asylum claims fairly and speedily on the Greek islands to determine whether they are founded, unfounded or inadmissible – has not even been tested yet.

Why is this? Are the required officials not yet deployed? On 19 March the European Commission identified a need for 600 asylum case workers on the islands. Later, the European Asylum Support Agency (EASO) made a call for 472 European asylum officers to come to Greece to support 130 Greek case workers, as well as for 400 interpreters. The 20 April report notes that member states “pledged” 470 asylum officers and 86 interpreters, “identified” 124 and 84, and “deployed” 63 and 67. In the end it is only the number of those actually deployed that matters.<sup>13</sup>

There is more detailed information in the European Commission’s statistical memos on the state of play in the hotspots on Greek islands.<sup>14</sup> The most recent is from 28 April. It states that on Lesbos there are 58 member state experts, 6 EASO staff and 55 interpreters; on Chios 4 member state experts, 1 EASO staff and 4 interpreters; and on Samos 2 member state experts, 1 EASO staff and 1 interpreter. This adds up to 64 member state experts, 8 EASO staff and 60 interpreters. Assuming that the information in both documents is correct, it means that in 10

<sup>11</sup> The most recent table is available [here](#) (accessed 3 May 2016).

<sup>12</sup> The Washington Post, [“Greece returns 12 Syrians to Turkey; will build 4 more camps”](#), 27 April 2016.

<sup>13</sup> The 29 April Commission table on “Operational implementation” explains that, curiously, in the following week the number of deployed interpreters shrank from 67 to 63.

<sup>14</sup> These updates are available [here](#) (accessed on 3 May 2016).

days an additional 9 experts arrived on the islands and that the number of interpreters dropped by 7.

There is also a strange omission in all EU reporting. The 20 April report notes that the Commission's role is "*assisting the Greek authorities* with expertise and financial support from the EU budget, coordinating the operations on the ground led by the EU Coordinator and using support from other Member States and EU agencies." And yet, in all these reports it is as if the Greek state does not exist.

The Commission reports do not explain how many Greek case workers there are on Lesbos and Chios today. Three weeks ago a Dutch television journalist found one Greek asylum case worker on Chios.<sup>15</sup> ESI learned from a high-ranking official in Athens that on 22 April there were "34 asylum case workers on the Greek islands": 21 provided by EASO and 13 by the Greek Asylum Service. At that time the number of Greek case workers on Chios had increased to 3, facing 2,000 potential asylum seekers.

Have they begun the process of interviewing and resolving asylum claims? What is the relationship between EASO and Greek case workers? On this there is no information. If Greek case workers are the only ones competent to take final decisions on asylum applications, then their number and efficiency is the single most important information to assess how things are going. This information is nowhere to be found.

It is not known yet whether there have been any appeals on the islands against any negative decisions, but things certainly get confusing when one looks at the second instance level, which provides for an administrative review of contested first-instance decisions issued by the Greek Asylum Office. The 20 April report notes:

"Currently, 20 Appeal Committees are operational to examine all pending asylum applications at second instance by the end of 2016. Under the recently adopted National Law these Committees will also be responsible for examining all appeals submitted against first instance decisions as of 4 April for a transitional period of up to 6 months, until the new Appeals Authority and the new Appeal Committees are established and operational."<sup>16</sup>

One can read this sentence a few times out loud, but its meaning remains obscure. Meanwhile the 29 April "Operational implementation" table explains that EASO requested 30 judicial officials be sent to Greece; that member states pledged 39; and that not a single one has been deployed. The table is once again silent concerning Greek officials.<sup>17</sup>

All of this raises questions. Who is actually responsible for taking first and second instance decisions? How are the "new fast-track procedures" that the Commission refers to in its 20 April report supposed to work? What are the guidelines that asylum case workers are given to find out who should and who should *not* be sent back to Turkey? Is there a country profile for Turkey that allows case workers to assess whether it is a safe third country for the individual asylum seeker that case workers interview? And why does this information not appear in the Commission updates?

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<sup>15</sup> NOS, Nieuwsuur, "[Alleen Syrische vluchtelingen teruggestuurd naar Turkije](#)" ("Only Syrian refugees sent back to Turkey"), 16 April 2016.

<sup>16</sup> European Commission, [First Report on the progress made in the implementation of the EU-Turkey Statement](#), 20 April 2016.

<sup>17</sup> European Commission, [Operational implementation of the EU-Turkey Agreement, communicated as of 29 April 2016](#).



## What happens in Turkey?

The EU does not provide much detailed information on what is happening in Greece; it says even less about Turkey. The 20 April Commission report states:

“In addition to the legislative changes, Turkey has, by letter of 12 April 2016, provided assurances that all returned Syrians will be granted temporary protection upon return. Discussions are advancing on providing assurances for non-Syrians.”<sup>18</sup>

Since then the Turkish Foreign Ministry has sent a second such letter with assurances for non-Syrians to be treated in accordance with Turkey’s legislation. By then 323 non-Syrians had already been transferred: was any assurance needed for them? The 20 April report also notes that “in total, 1,292 migrants have been returned under the bilateral readmission agreement between Greece and Turkey in 2016, with most return operations taking place in March.”<sup>19</sup> Many more people have thus been returned in the weeks to Turkey before the EU-Turkey deal was even in force.

At the same time, so far not a single person has been returned following an asylum request rejected on the basis of a decision that Turkey is a safe third country. What would allow Greek and other asylum case workers to take a decision on this basis? What information do they need?

Things are also not clear when it comes to resettlement from Turkey. The 20 April report explains that on 4-5 April 74 Syrian asylum seekers were resettled to Germany, Finland and the Netherlands; and that “a total of 103 Syrian nationals have now been resettled from Turkey to Germany, Finland, the Netherlands and Sweden.”<sup>20</sup>

The table in the Commission’s Operational implementation document states that as of 29 April five member states have taken part in the resettlement of 120 Syrians, 17 more than nine days before.<sup>21</sup>

*Table: Resettlements of Syrians from Turkey to EU countries*

<b>Countries</b>	<b>Syrians resettled from Turkey</b>
Germany	54
Netherlands	31
Sweden	19
Finland	11
Lithuania	5
<b>Total</b>	<b>120</b>

This suggests that the much criticized 1:1 scheme for Syrians is already redundant – many more Syrians have been resettled than foreseen under this scheme. And as the numbers of new arrivals to Greece declines further, while the readmission of Syrians from Greece to Turkey is minimal (so far 14), this means that there will be hardly any resettlement at all under this mechanism. So far the EU has resettled more than 8 times as many Syrian refugees from Turkey as those that have been transferred back to Turkey from Greece. This is good news, and the EU needs to move beyond the 1:1 resettlement scheme now.

<sup>18</sup> European Commission, [First Report on the progress made in the implementation of the EU-Turkey Statement](#), 20 April 2016.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> European Commission, [Operational implementation of the EU-Turkey Agreement, communicated as of 29 April 2016](#).



In fact, Turkish officials never expected the 1:1 scheme to be very significant, and it makes no sense for the EU to focus on it now. Instead, the EU-Turkey agreement refers to a much more substantial resettlement in point 4:

“Once irregular crossings between Turkey and the EU are ending or at least have been **substantially and sustainably reduced, a Voluntary Humanitarian Admission Scheme will be activated**. EU Member States will contribute on a voluntary basis to this scheme.”<sup>22</sup>

As crossings *are* already substantially reduced, the pressing question is: when will this scheme be activated? Who will take part? How many people will it concern? How will they be chosen? On the preparations for this voluntary resettlement, however, the 20 April report has very little to say. It only notes that:

“Work is ongoing to operationalise the scheme through the finalisation of Standard Operating Procedures with the EU Member States and Associated States as well as with the Turkish side. The contributions by member states to this scheme on a voluntary basis are also being discussed within the Council.”<sup>23</sup>

And that is all.

### Sailing blindly

Having a better understanding of what is actually happening matters enormously. First, because the EU-Turkey deal promised:

“Migrants arriving in the Greek islands will be duly registered and any application for asylum will be **processed individually** by the Greek authorities in accordance with the Asylum Procedures Directive, in cooperation with UNHCR. Migrants not applying for asylum or whose application has been found **unfounded or inadmissible** in accordance with the said directive will be returned to Turkey.”<sup>24</sup>

On 23 March, three days after the agreement was made UNHCR acknowledged it as legally sound, stating that:

“International refugee law and European asylum legislation foresee the possibility of returning persons seeking and/or in need of international protection to a safe third country on the basis of the ‘first country of asylum’ or ‘safe third country’ concept. Strict substantive criteria and **procedural safeguards, which are set out in the EU recast Asylum Procedures Directive, regulate the application** of these concepts.”<sup>25</sup>

In short, the EU-Turkey statement is legally sound but requires that “criteria and procedural safeguards” are observed. UNHCR points in particular to the following safeguards:

- “informing the applicant of the application of the Dublin Regulation and allowing the applicant to submit information regarding the presence of family members, relatives and

<sup>22</sup> [EU-Turkey statement](#), 18 March 2016.

<sup>23</sup> European Commission, [First Report on the progress made in the implementation of the EU-Turkey Statement](#), 20 April 2016.

<sup>24</sup> [EU-Turkey statement](#), 18 March 2016.

<sup>25</sup> UNHCR, [Legal considerations on the return of asylum-seekers and refugees from Greece to Turkey as part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the safe third country and first country of asylum concept](#), 23 March 2016.

other family relations in other member states, including through a personal interview;  
and,

- in the case of unaccompanied children,
  - ensuring that a qualified representative represents and/or assists the unaccompanied child;
  - taking appropriate action to identify the family members, siblings or relatives of the unaccompanied child on the territory of a member state.”<sup>26</sup>

But how can anyone assess whether these procedural safeguards are met if it remains unclear how the 8,200 migrants are being informed about their rights and who is in charge of this? Or which provisions – and personnel – exist to deal with unaccompanied children?

If we sum up what all of the publicly available information suggests we see many causes for concern:

- There are around 8,200 people now on the Aegean islands. The European Commission does not appear to know how many of them have submitted asylum applications.
- On 19 March the Commission had called for 600 Greek and EASO asylum case workers to be deployed.<sup>27</sup> Today there are around 60 asylum case workers from member states deployed – six weeks after the entry into force of the agreement. They work separately from their Greek colleagues, or so it seems, and are not mentioned in EU reporting.
- The Commission announced on 20 April that “the expectation is to reach by mid-May the capacity to process around 200 cases a day.”<sup>28</sup> Mid-May is one week from now. There is no information anywhere on how many asylum claims have already been resolved at first instance. It seems that no appeals have been lodged, and no EASO member state officials have been sent yet to help with appeals.
- Already now the capacities on the two bigger Greek islands to accommodate migrants are stretched – on Chios there are twice as many people as the capacities reported by UNHCR. There is no discussion of this topic – whether it matters, what might be done – in the 20 April report of the Commission.
- All the people readmitted from Greece to Turkey so far are migrants who have not submitted an asylum claim. The number of Syrians who returned appears to be 14 in six weeks.

Currently anyone in the EU who wants to assess whether the EU-Turkey agreement works – civil servants, decision-makers, journalists – is left confused. This confusion is a cause for serious concern; it also creates an opening for exaggerated criticism. Today the EU support mission resembles a vessel sailing between rocky islands without a map in shallow waters. This is dangerous, but it can be fixed. Here is how.

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<sup>26</sup> UNHCR, [Legal considerations on the return of asylum-seekers and refugees from Greece to Turkey as part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the safe third country and first country of asylum concept](#), 23 March 2016.

<sup>27</sup> European Commission Fact Sheet, [EU-Turkey Agreement: Questions and Answers](#), 19 March 2016.

<sup>28</sup> European Commission, [First Report on the progress made in the implementation of the EU-Turkey Statement](#), 20 April 2016, p. 5.

### **An easy fix: the EU weekly Aegean reporting template**

All that is required would be for the following key facts to be published once a week on the European Commission website:

- 1) The number of people on the Greek islands and the capacity of accommodation centres**
- 2) Daily arrivals on the islands in the past month**
- 3) Asylum applications on Greek islands:**
  - **How many have been lodged?**
  - **How many interviews have been held?**
  - **How many first instance decisions have been taken?**
  - **How many appeals have been lodged?**
  - **How many second instance decisions have been taken?**
- 4) The number of asylum case workers and interpreters deployed on each island**
  - **Greek**
  - **Member states/EASO – by nationality**
- 5) The number, the composition and the location of appeals panels**
  - **Greek**
  - **Member states/EASO – by nationality**
- 6) Daily number of people returned to Turkey from Greece**
  - **Nationality**
  - **Reasons for returns: voluntary / no asylum application / application unfounded / application inadmissible**
- 7) How many Syrians resettled from Turkey (to which countries and when)**

In addition, the Commission should clarify the following issues as soon as possible:

- What are the roles, guidelines and procedures in the cooperation between Greek and European asylum case workers on the islands? What are the common guidelines they will use when assessing asylum claims and whether to declare them inadmissible? How are asylum case workers in Greece informed about what happens to those returned to Turkey – so that they can make informed decisions on the basis of facts.
- Who informs potential asylum seekers about their rights? How many people are there to take care of unaccompanied minors, in accordance with UNHCR recommendations and EU directives?