

The European and National Asylum Policy at the land borders of Evros



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INTRODUCTION

The new [Pact on Migration and Asylum](#) in conjunction with its proposed comprehensive legislation framework has incorporated Member States' proposals on a new so called "European management" of persons on the move. The new [Pact on Migration and Asylum](#) illustrates the "fear" of Europe towards this population, which is not welcome any more, but also highlights a complete shift from reception and integration processes to "prevention" processes. Greece, among countries' being the first entry point in Europe, has communicated its reluctance on the proposals of the new Pact on Migration and Asylum while simultaneously it seems to incorporate the provisions of the proposed Pact on Migration and Asylum both in practice and in its wider rhetoric. The allocation of substantial funds in order to enhance the militarization of the borders in conjunction with the rhetoric of an "invisible enemy" threatening borders have resulted to a legitimization of push backs and an increase of racist speech and violence. At the same time these practices have resulted to further violations of third-country nationals' rights both by "border guards" (police, army, Frontex, etc.) and/or by self-appointed groups. These groups operate at the borders in order to protect the citizens from the "invisible enemy" deploying criminal behavior carried out by complete impunity. The failure of an effectively address of the pandemic has deteriorated the situation throughout Europe excluding this population from EU member states. Member States mostly limit their actions on addressing the "emergency" situation disregarding the flagrant violation of this population rights and disregarding the fact that this population has fled from their countries of origin due to their fear of persecution and therefore they are in need of international protection.

PREAMBLE

In this report we will analyze initially a part of the main provisions of the [Pact on Migration and Asylum](#) in conjunction with its proposed comprehensive legislation framework including, among others, the proposal on establishing a screening mechanism at the external borders. After that we will illustrate the situation at the land borders of Evros, the fluctuation of the flows, the systemic and systematic violations of human rights deployed both by European and Greek bodies and the developments in the Reception and Identification Center (RIC) Fylakio, Orestiada in conjunction with the current legislation framework. The latter and in somehow reverse of the thematic areas aims to highlight and underline the provisions of the proposed proposal on the [Pact on Migration and Asylum](#) which establish a margin of tolerance both pertaining the «legitimization» of violations at the borders following, inter alia the ever-increasing militarization and pertaining the reduction of human rights originating from European Asylum System and International conventions while the same provisions underline the terminology of "mixed flows" leading to further deprivation of refugees. Significantly and following the deprivation refugees suffer in the RICs at the islands, for which no authority has undertaken the responsibility and no improvement has been achieved, we face another form of deprivation. In particular, and according to the proposed Pact on Migration and Asylum this population would be transferred throughout Europe in the view of return to their countries of origin following vague procedures both regarding their transfer to another European Member State and regarding the accessibility to legal remedies. The

return procedures would be undertaken by the Member State in which migrants will be transferred following [a reimbursement of 10,000 euros](#) per relocated person (including following return sponsorship if return was not successful). This amount is substantial [higher from the amount which had been allocated for the relocation](#) of this population in other European country with the prospect to be integrated. In addition, the Pact on Migration and Asylum has not foreseen any relocation mechanism ensuring reception and integration processes in Europe. It is obvious that Europe's priorities have changed, and that Europe has extended its tolerance pertaining human rights violations.



1. THE EUROPEAN PACT ON MIGRATION AND ASYLUM

The European Pact on Migration and Asylum published on 23rd of September in 2020 remains a field of intense negotiations between the Member States of the European Union. However, it highlights a guideline which, in fact, runs the risk of becoming an official European and national policy demonstrating at the same time a European character which is not only inconsistent with the protection of human rights, but also corresponds to the colonial past of the European Union States.

The documents and the proposed regulations which accompany the European Pact on Migration and Asylum use rather problematic concepts and terms and therefore produce policy at a level of both rhetoric and practice. The concept of “solidarity” as a European term seeks to give a sense of

unity and common goals within the Member States by instrumentalizing people, such as migrants and refugees and blurring at the same time the nature of the principle of solidarity between Member States as a statutory concept of the EU since its constitution. Ad hoc policies and interventions (EU-Turkey Pact, optional resettlement, etc.) undermine the foundations of a united Europe, in which shared responsibility and solidarity were key elements of its creation and have consistently permeated the spirit of the entire Treaty on the Functioning of the European Union (TFEU). In the Pact, the culturally defined notion of solidarity as a support for fellow human beings is losing its meaning and the roles are being reversed. Consequently, those who suffer are the European Union and the Member States and not the refugees and migrants. Unfortunately, this rhetoric is consistent with and reinforces far-right discourse and action throughout Europe, especially in the European Union's external borders where the immigrant / refugee is constructed as a "national danger" and an "enemy". Furthermore, the Pact is part of the European Council's strategic [agenda](#) for the years 2019-2024 and therefore in the chapter entitled "Protecting Citizens and Freedom" the result is that it defines the immigration policy as part of protecting the integrity of the Union's territory. Undoubtedly, the European Union is not endangered by the immigrants and refugees but by such ideas and programmatic policies that fuel far-right organizations with reactionary arguments and a fear towards the Other.

The European Union's immigration policy is at the heart of its relations with third countries and its partners which might mean that migrants and refugees are being used as a tool in transnational negotiations and agreements. In parallel, external border management is integrated into the wider EU migration management policy which results in strengthening FRONTEX, control and surveillance mechanisms as stated in European's Council [press release](#) of 14.12.2020 on internal security and finally in general militarization of the borders. Indicative of a colonial approach of the European Union regarding its relations with third countries is the promotion of legal routes to Europe only in terms of attracting talents to the labor market of the European Union. It is almost ironic the establishment of a programmatic – and already fulfilled – partnership with third countries which will "ensure consistency with the Unions humanitarian goals expressed through support for refugees in third countries. Indeed, it is questionable whether third countries to which the explanatory memorandum refers can be Turkey, Libya or Egypt. These are countries from which their citizens are trying to escape due to political and other reasons of persecution. They have probably not adopted the Geneva Convention for Refugees and certainly they do not even protect the right to life of refugees. Immigrants and refugees are treated either as a "burden" passed on by the northern EU countries to the southern and eastern ones or from the latter to third countries of transit. Moreover, it is also interesting that in the [comments](#) on the Pact from Greece, Malta, Italy and Spain, emphasis is placed on the external dimension of the Agreement. In the non-paper that was released, the European Commission is asked to clarify the importance and implementation of the external dimension of the Pact. Utilization of financial tools, promotion of agreements with third countries, mainly with mainly with these countries with which the EU borders, and their equipment with methods and mechanisms, are suggested as ways to limit the movement of the predominantly migrant population from them to Europe. It is not surprising that N. Mitarakis, Minister of Immigration and Asylum in Greece, insisted on putting pressure on the [EU](#) and Turkey to re-implement the joint declaration of the European Union and Turkey, for the readmission of [1450 third-country citizens to Turkey](#).

The proposed for vote in the European Parliament draft regulation on the management of asylum and migration, based on the [explanatory memorandum](#), hopes to bring about changes in the external borders, asylum and return systems, the Schengen area of free movement and the external dimension of the EU with the main declarative aim to be the limitation of the unauthorized movement of third-country citizens between states and the dual demands for international protection within the EU, a result of the failure of the Dublin Regulation and current European Asylum System.

In 2015 and the so-called refugee crisis was the reason and certainly not the cause for the attempt to reform the already problematic common asylum system, but unfortunately for the worse. The formalization of the construction of [large, closed, controlled, hot spots](#) as the one in Moria as well as [closed pre-departure detention centers](#) in the countries of the southern and eastern borders of the EU is the first and, in fact, already implemented policy of the Pact.

In the text of the explanatory memorandum of all the proposed regulations, especially those concerning the management of asylum and immigration and the changes in the asylum procedures in order to justify the necessity of structural changes, the arguments that are used are challenged not only by our data but also by other organizations and by non-governmental organizations. In particular, the explanatory memorandum refers to the increase in the percentage of applicants for international protection without well-founded allegations. The recognition rates, at least in Greece during the last year as RSA indicates, the refugee profile of the newcomers in Evros or according to the [informative note](#) of Ministry of Migration and Asylum (half of the new asylum seekers were from Afghanistan and Syria) contradict the arguments of the explanatory memorandum. Lastly, the [reference](#) to the 88% reduction in arrivals since the climax of the “crisis” mainly confirms, as far as the Greek territory is concerned, state-organized human rights violations which relate to events of deterrence in the borders and mass illegal pushbacks of refugees.

The most important points which require the attention by the civil society are the following:

1. **In relation to the [proposed regulation on asylum and migration management](#), in conjunction with [the proposal for a Regulation addressing situations of crisis and force majeure](#) in the field of immigration and asylum:**

(i) The replacement of the current Dublin Regulation, which was obviously problematic and exposed the unequal relations within the European Union contributing to the exclusion of refugees in border countries. This replacement is done by the so-called “solidarity mechanism” which, in essence, behind the word «solidarity», unfolds a policy that turns people with immigration and refugee profile, into objects, numbers and products. The confinement of refugees and migrants is expanding with the creation of closed and controlled structures, either first reception or pre-departure centers.

Solidarity may be mandatory in times of “migration crisis”, but in fact Member States are given the opportunity to choose to provide their solidarity contribution in the form of a “return sponsorship”, not by relocating refugees to safe countries but by financially supporting their return or relocating people for their further return. The vague terms of “crisis”, “disproportionately large numbers”, “migratory” pressure [have already been pointed out](#) for the grave danger of the abusive

interpretation of the provisions in order to serve the respective policies each time. The Articles 50 and 51 of the proposed evaluation regulation are obviously a field of political controversy and do not clarify the terms. In fact, the involvement of the European Border and Coast Guard Agency (FRONTEX) in the training of eligible persons for relocation or “return sponsorship” indicates the option of managing the refugee issue in terms of border guarding and militarization (Article 49 of the proposed Regulation on Asylum and Immigration Management).

In his [speech](#) for the Pact, M. Schinas has already stated that those who are not relocated, they will be returned, thus detaching the need to protect the applicants for international protection from the obligations under the Geneva Convention of each state and turning the refugee management into an issue of numbers. In short, for each person / number to be returned there will be a Sponsoring Member State that will take all necessary measures to facilitate and successfully complete the return procedures.

It is also noteworthy that according to the explanatory memorandum and Article 55 of the proposed Regulation on Asylum and Immigration Management, when a State undertakes the return sponsorship, and the number of third-country nationals respectively, the requests for international protection of nationals of third countries are still under examination, which undoubtedly puts pressure on the national asylum system to reject the asylum applications and force their return.

In particular, it is stated that *«The sponsoring Member States would implement the supporting measures during a pre-determined period of time, set at 8 months. This period would start running from the day in which the Commission adopts an implementing act on solidarity in situations of migratory pressure. If the sponsored (sic!) third-country nationals are not yet subject to a return decision when the implementing act is adopted, the period would be counted starting from when the return decisions are issued or, if the persons unsuccessfully applied for asylum and consequently received return decisions, from when the third-country nationals no longer have a right to remain and are not allowed to remain»* Therefore, the decision on third-country nationals who will receive a return sponsorship comes before the final decision on the request for international protection making the examination of an asylum application questionable and subject to wider political pressures. The explanatory memorandum continued: *“When despite the joint efforts by the Member States, returns have not been successfully carried out at the expiry of the 8-month period, the third-country nationals would be transferred into the territory of the sponsoring Member State. For this purpose, the procedure described in the previous section would apply mutatis mutandis (in accordance with the return directive 2008/115 /EU* **In fact, for each relocation, if the return process to the Host State fails, the Sponsoring State receives a relocation contribution to continue the return process, a contribution of € 10,000 per relocated person in order to be returned by the sponsoring State.**

It is obvious that a [system of industry for managing refugees and migrants](#) is being formed and built through which human and financial resources are wasted and respectively “invested” not in their integration and in the employment of their cultural and productive assets for the benefit of the European Society, but in inclusion and organized de-legalization and dehumanization of the people. The contribution of relocating “illegal immigrants” in order to be returned highlights a mechanism that produces “illegal people” who are “bought” and “sold” within the EU.

(ii) The establishment of a mechanism to facilitate cooperation with third countries in the field of return and readmission which complements the mechanism established by Article 25a of EU Regulation no. 810/2019 (Regulation 2019/1155), as provided for in Article 7 of the proposed Regulation on Asylum and Immigration Management that if a third country is not cooperating sufficiently on the readmission of illegally staying third-country nationals, and without prejudice to Article 25(a)(5) of that Regulation, shall submit a report to the Council including, where appropriate, the identification of any measures which could be taken to “improve” the cooperation of that third country as for the readmission taking also into account the Union’s overall relations with the third country.

Unfortunately, the abstract discussion of agreements and protocols on the readmission of third-country nationals to third countries is not accompanied by a reliable and independent monitoring mechanism of the conditions to which third-country nationals are returned. Are the conditions safe for the Syrian refugees in Turkey? [when in fact it is a country that has invaded Syria](#), are Libya and Egypt safe for the migrants / refugees from the countries of Africa or the Middle East? Or can their readmission make them victims of abuse, exploitation, human trafficking, and lead to violations of their basic human rights?

2. **On the amended proposal for a Regulation, establishing a common procedure for international protection in the European Union.**

Amendments to asylum procedures introduce essentially or even extend the exemptions that have already been established by the so-called border as well as fast-track procedure including also those who originate from countries with annual recognition rate of 20% or with rates that are even less than the EU average ones. The rhetoric about the entry of people who do not need international protection is coming to launch a series of legislative changes and to “legitimize” a nightmarish situation for refugees, as it has been developed in the recent years on the islands. The proposal to exclude from the border proceedings only unaccompanied minors under the age of 12, unfortunately highlights a concurrence with ideas of the most extreme elements in Europe that dehumanize the immigrant or the refugee. Concerns about the consolidation of the administrative detention of applicants for international protection in the borders have been repeatedly expressed by both [organizations](#) and [members of the European Parliament](#).

3. **Regarding the “[introduction of a screening procedure](#)” of third country nationals in the borders and the amendment of regulations 767/226, 2017/2226, 2018/1240, 2019/817.**

The introduction of the concept and practice of a “screening control” of migrants and refugees in the borders. The argument is based on the rhetoric about mixed arrivals of persons, which, as stated above, is in contrast with the data available by organizations which are active in the field. The procedures aim at the “fast outcome” and “sorting” of specific third-country nationals, in the name of “Schengen protection”, finalizing a state of exemption in the border reception and identification centers, procedures that will include also those who will be arrested within the mainland at any time and had not yet passed the border controls. The proposal in this regulation of an establishment

of an independent monitoring mechanism in respect for the human rights of the detainees and for non-refoulement is unlikely to work effectively, as, especially in border areas, the unhindered and continuous access of police arbitrariness control bodies and not only, it has been proven that it cannot timely remove the consequences for the affected people and hinder organized government policies. Moreover, the violation of the principle of non-refoulement currently in Greece is so widespread that even applicants for international protection have been forcibly pushed backed to Turkey. Nevertheless, the establishment of an independent mechanism for investigating deportation accusations is a real necessity, but not a legal prelude to consolidating a border exemption regime.

2. MONITORING, RECORDING, DOCUMENTING, PERSUING STRATEGIC LITIGATION & ADVOCATING AT THE LAND BORDER OF EVROS.

I. CROSSING THE BORDERS



During the last three (3) months of 2020 the flows in the land border of Evros present a fluctuation. The newcomers at the land border of Evros are coming from various nationalities of high refugee profile and namely Syria, Turkey, Iraq, Iran. According to Ministry' of Migration and Asylum report on the quarter [October, November and December 2020](#) the numbers of newcomers arrived through Evros is 1,030, 689 and 181 respectively. During January 2021 the [arrivals remain](#)

[decreased](#) at the land borders of Evros. **According to the information provided by the Medical Examiner P. Pavlidis in 2020 we had 46 dead refugees at Evros region with the main causes of death being drowning, hypothermia and car accidents while in 2021 we already have one dead and one [disappearance](#)** .The reasons of this [reduction in December 2020](#) are (a) the bad weather conditions, (b) the high weather courses in Evros, (c) the militarization of at the borders, (d) the restrictions both in Greece and Turkey in order to prevent the spread of coronavirus and (e) the uninterrupted testimonies pertaining the push backs in the area . It is to be noted that the fact that persons remain detained at the Border Patrol Departments without being registered renders the data regarding flows vague and confused. More specific and according to the official police announcements, during the last week of October 2020 in the last week of October 2020 the arrivals in the region of Evros reached the number of 251 newcomers and in the first week of November 2020 the number of 286 persons, with main nationalities Turkey and Syria. It is estimated though, that the actual numbers of arrivals are higher taking into consideration that during the last week of October 2020 140 people remained detained in Border Deportation Departments with a capacity of 70 people, while it has been identified that only 20% of the arrests finally reached the Reception and Identification Center of Fylakio, Orestiada in order to undertake the official reception and identification procedures, while the rest were released directly from the Border Deportation Centers. The uninterrupted testimonies concerning push backs, the fluctuation of the flows and the continuation of Covid-19 outbreak which complicate the referral procedures from the Border Deportation Centers (of which we have only fragmentary data on detainees) to the RIC Fylakio, Orestiada and obstruct the monitoring visits at the Border Deportation Departments from independent authorities under the mandate of ensuring detainees' rights (e.g Ombudsman) has created concerns on whether violent push backs have also functioned as one of the key regulators of flow reduction . Moreover, PROKEKA operation has been suspended since September 2020 and the reconstruction is not expected to be completed before April 2021.

II. MASSIVE ILLEGAL FORCED RETURNS- VIOLATIONS OF HUMAN RIGHTS AT THE BORDERS



The massive illegal forced returns against refugees have become a legitimized normality in the entry points of Europe both at the land borders of Evros and at Aegean islands. [Many complaints, reports and articles](#) document this systemic and systematic violation of the principle of [non-refoulement](#), according which Member States are obliged to prohibit the forced removal of refugees or the refoulement of refugees to territories where their life or freedom is at risk and to prohibit the massive expulsions of recognized refugees or asylum seekers. The uninterrupted violation of human rights is not limited at the sea or land borders of Evros. Testimonies of organized push backs concerning persons residing in the mainland are published or reported to NGO's at the field. Asylum seekers coming from Afghanistan and other countries with high refugee profile are being arrested in the mainland or inside camps (Diavata Thessaloniki) and they are transferred in an organized manner by police forces in the land border of Evros where they are push backed brutally. The modus operandi of push backs includes, among other illegal practices (illegal detention, exercise of violence, deprivation of access to the asylum process, deprivation of access to legal aid and interpretation), the deduction of mobile phones, money, legal documents and in many cases clothes and shoes. The tolerance and impunity of this illegal practices encourages the establishment of self-organized groups or individuals [robbing and assaulting against refugees](#). The Ministry of Migration and Asylum blatantly fails to open an investigation on these incidents denying their existence although these testimonies on illegal practices at the borders have been submitted to the European Parliament. On the contrary, the Ministry adopts a twofold rhetoric pertaining push backs. Although the Greek state denies the systematic violation of the Greek legislation and the International Conventions according which Greek police, Coast Guard and the competent bodies should respect the principle of non-refoulement at the same time talks much about promoting competitiveness in border guarding ignoring the continuous testimonies on push backs and

massive expulsions. A strong argument on this is the interview of the Minister of Migration and Asylum given to the [newspaper Parapolitika 90,1](#) Fm. *“During 2020 we witnessed a reduction of flows reaching 87% at the islands and 62% at Evros. In January 2021 the reduction of flows has reached 99% compared to the relevant period in 2020. This reduction is the result of the extremely efficient guarding of both sea and land borders and the result of a set of policy instruments incorporated in our legislation in respect of international law highlighting that we are willing to grant asylum to persons that are eligible for international protection».*

Moreover, Ministry of Migration and Asylum strives to create further confusion on the issue casting blame on the push backs *“which official are not happening”* [to the Frontex](#). In that context, the Ministry of Migration and Asylum exposing the Greek State pertaining Frontex’s implementation at the borders and simultaneously directs people’s attention away from the actual violations. In particular, Minister of Migration and Asylum Mr. N. Mitarakis, following EU Commissioner’s Ms. Ylva Johansson decision to convene an urgent extraordinary Frontex Management Board meeting to discuss alleged push-back incidents in Greece and fundamental rights protection, tweeted: *We want to highlight that Greece does not participate in alleged push backs. We are protecting our borders in respect of International Law. We continue to rescue hundreds of migrants every month in Mediterranean Sea. These migrants are subject to exploitation of unscrupulous smugglers. We welcome Ms. Ylva Johansson decision to convene an urgent extraordinary Frontex Management Board meeting to discuss alleged push-back incidents in order the truth be put before us”.*

The European Commission demonstrates provocatively the same double speaking. EU Commissioner’s Ms. Ylva Johansson has ordered the [investigation of Frontex’s implementation](#) on the alleged push backs following a numerous of [complaints](#) whilst she [offers the full support to Frontex European body](#). Simultaneously, the proposed New Pact on Migration and Asylum encourages the development of a rhetoric presenting refugees as a “threat” thus unwelcome and thereby widens its tolerance on illegal practices of massive expulsions at the borders. (see **European Pact on Migration and Asylum**).

In particular, inter alia, the proposed [Pact on Migration and Asylum](#) stipulates a “screening population” as comprised by “mixed flows” creating the impression of an “unwelcome population” who could potential become a threat for Europe. It is to be noted that the flows in Greece [could not be characterized as mixed](#), although the latter should not be part of the European Asylum System which is based in the individual interview and assessment. It is also of interest that although EE has opened an investigation on Frontex’s implementation in the alleged push backs and despite the fact that (a) the same testimonies reveal possible implementation of Greek bodies (b) EE allocates huge amounts of funds for [military materials and deployment of personnel](#) EE has not opened such an investigation against Greek bodies operating at the borders (police, army etc). In addition, in many testimonies the victims report that before being push backed they have been transferred in detention centers or in facilities similar with the reception and identification centers, potentially funded by European Commission mechanisms. It is most strange that European Commission avoid investigating the expenditure of EU funding following testimonies who call in question its compliance with human rights and European ideal.

Furthermore, the European approach on investigating the testimonies regarding violent and illegal practices at the borders raises questions on the “Frontex’s mandate” at the European borders, even more given that there is a lack of transparency on the deployment of Frontex at the borders. (see **Frontex’s Role in forming the European and National Policy. The weakness and the need to hold Frontex accountable**).

Passing the responsibility from Greece to Europe and vice versa has led to (a) an increase of militarization at the borders- for which huge amount of funds are allocated-, (b) the strengthen of the rhetoric of “fear” of refugees who are presented as a «threat” and (c) an increase of the far-right groups committing criminal actions against this population without any control whatsoever. (see **Far-right rhetoric**)

Amidst this double speaking, the militarization of the borders and the increase of the capacity of RIC, Fylakio, Orestiada stakeholders at the field, among which HumanRights360, face various obstacles in our efforts to bring human rights violators to justice. In particular, the lack of a common reliable monitoring system respecting the principle of non-refoulement pose problems both in terms of collating the information and defending human rights in such a sensitive area as the borders. In addition, the lack of eponymous complaints as a result of fear, the lack of legal documentation and the lack of a victim’s protection mechanism poses difficulties on our efforts to evidence the modus operandi and the systematic deployment of such illegal practices. Finally, it is a common field among the perpetrators to steal mobile phones and to destroy all legal documents thus, we are lacking evidence regarding the violent push backs and the massive expulsions at the borders.

In HumanRights360 we continue recording push backs testimonies and we set out, as reference, two testimonies proving the indiscriminative violence and the legitimization of these practices.

(a) Z. has granted subsidiary protection status in German. Z has been victim of illegal expulsion in 2018. During the expulsion the preparators destroyed his documentation. He re-entered Greece in order to issue visa to travel to Germany and he was arrested at Aristotelous square in Thessaloniki. When he was arrested he showed to the competent bodies the certification of Regional Asylum Office of Samos which verified that he was a beneficiary of subsidiary protection in Germany in addition with a certification of German Embassy, but the policemen arrested him and transferred him to the nearest police station. They withhold his legal documentation as attached in his mobile and following a police operation with the participation of many authorities, they transferred him, among other refugees, at Evros borders where they sent all back to Turkey. He is still in Turkey and he wants to submit a complaint to the European Court of Human Rights against Greece.

(b) On 04/11/2020 was referred to HumanRights360 team in Evros, one Unaccompanied minor (UAM) in order to undertake his legal representation and to support his claim of international protection before the Asylum Unit of Fylakio at 16/11/2020. The UAM was a victim of a car accident following an aggressive car chase persecution by the police. [Police chasings have resulted in a number of deaths](#) . Following his hospitalization in Kavala General hospital he was transferred to RIC Fylakio, Orestiada at 02/10/2020. On 19/11/2020 he was referred in priority, due to his serious injury, at Diavata Safe Zone through National Center for

Social Solidarity. In the middle of December, HumanRights360 was informed by Arsis' lawyer who has undertaken his legal representation at Diavata Safe Zone that the minor had exit the camp to buy food and never returned. One month later the minor communicated with them testifying that he had been arrested outside the camp and beside the fact he showed his legal documentation -proving he is an applicant of international protection-he was violently pushed back at Turkey.

The systematic violation of the principle of non-refoulement and the position of human's life in dangerous has led the [Special Rapporteur on the Human Rights of Migrants](#) to request from civil society organizations input on the illegal practices of push backs and the consequences of these practices on human rights.

Over the past years, the instances of illegal expulsions have been escalated. The Greek authorities have failed to investigate the cases, prosecute and convict perpetrators with the use of available legal tools, enabling a culture of impunity and disregard for the rule of law.

The official position of State, as highlighted on any occasion, remains that the Greek Police does not conduct and does not participated in push backs and massive illegal returns at Turkey. The latter enhance the deployment of such practices at the borders and contributes to the legalization and normalization of these practices. The culture of impunity at the land borders of Evros underlined another element in perpetrators' behavior and namely their disregarding of possibly legal consequences following their illegal actions.

Fady's case incorporates these elements and call for justice for the manifestly unlawful arbitrary detention and expulsion at the borders as an abuse of power by the Greek State and the all risks he faced living as undocumented in Greece. Thus, on 17 Tuesday 2020, [GLAN](#) and HumanRights360 filed a complaint with the UN Human Rights Committee on behalf of Fady, a recognized refugee in the EU, who was subject to an enforced disappearance and repeated summary expulsions by Greek authorities between November 2016 and November 2017. Fady was stripped of his possessions, his document attesting to his residency status in the EU and placed outside the protection of the law. He was placed in a state of precarity and rightlessness for three years until his documents were reissued and he was finally able to return to his home in Germany in November 2019. This initial expulsion to Turkey was reconstructed in the form of a 'situated testimony' by the UK-based investigative group Forensic Architecture. The complaint argues that Greece's unlawful deprivation of Fady's liberty amounts to an enforced disappearance under international law. And it results in further serious violations of basic rights, notably the right to life, the right to liberty, the prohibition against torture, and the right to due process and remedy, as enshrined in the International Covenant on Civil and Political Rights (ICCPR).

III. FRONTEX'S ROLE IN FORMING THE EUROPEAN AND NATIONAL POLICY. THE WEAKNESS AND THE NEED TO HOLD FRONTEX ACCOUNTABLE

During the last months, Frontex, the European Border and Coast Guard, had to account to the [Committee on Civil Liberties, Justice and Home Affairs](#), [European Parliament](#) and [European Anti-Fraud Office \(OLAF\)](#) for its role and involvement in pushbacks as well as the in the operational

plan of March 2020 in the Greek-EU-Turkey borders. Its operational director was summoned on 1st of December in 2020 to give answers before the European Parliament for a series of allegations of violations of basic human rights. An urgent meeting of the FRONTEX Board of Directors had already been convened on 10th of November by the Commissioner Ylva Johansson in order to be informed about any involvement of the European Border and Coast Guard in human rights violations. According to “[Der Spiegel](#)” releases, Leggeri confirmed that Frontex crews were close to the pushback points but avoided putting the blame on them as there were doubts as to whether the violations came to their notice. However, the non-reporting of these incidents, as provided by Regulation 2019/1896 of the European Union, proves the gaps in the internal mechanism of protection against arbitrary acts of Frontex bodies. Unfortunately, the Head of Frontex does not only cover the organization during its operations, but also the Greek authorities regarding the numerous accusations about violent pushbacks in Turkey. As investigations unfold within Frontex, it [is revealed](#) Frontex’s Executive Director choice to degrade any human rights efforts, particularly across the Aegean border during the systematic violation of the principle of non-refoulement.

The upgrading of Frontex’s operational role is prescribed by the [European Pact on Asylum and Migration](#). In fact, European officials refer to it in an article in Financial Time as the forerunner of a European army corresponding to the evolution of the US Coast Guard. The protection of the external borders from immigration is the reason or rather the justification for the investment of millions of euros only for the staffing and equipment of Frontex, whereas the number of immigrants / refugees who entered the EU during 2020 totaled only [94,950](#). The [cost](#) concerning both the operational and general function of FRONTEX budget only for 2021 amounts to 900.415.187 million euros, which is double money compared to the projected budget of 2020. Frontex has also rented three Zeppelins for four months for maritime border surveillance in the Aegean sea and its cost totals 3,000,000 euros.

Moreover, according to the [document](#) on FRONTEX planning for the years 2020-2022, the goals of the organization are the development and implementation of integrated management of the European external borders, the promotion of European Integrated Border Management in third countries, the strengthening of external dimension and the aiming at the proliferation of Frontex operations in close cooperation with the Member States. Among them are the strengthening of cooperation with third countries in order to effectively manage migration and cross-border crime, the provision of technical assistance to third countries such as Libya, the Eastern Balkans and participation in operations in the region as well as in the borders with Turkey. Over the past year, Frontex has deployed rapid intervention units on the Greek-Turkish borders, totaling [477 people](#) as well as another 71 people in joint ventures with Member States. In both business plans (FOA LAND and RBI EVROS) it had the agreement of Greece. Frontex provided a technical and operational structure for border management and returns deriving its legitimacy from the national law of the Member State, according to F. Leggeri’s response to the European Commission. The presence and meeting of Frontex together with the Greek Police, Army and Coast Guard in the borders of Evros had been confirmed in the past by the [response](#) of the head of Frontex to the Director of the European Commission, Matthias Oel writes: “In the land domain, Frontex deployed TM are always working under the command and control of the Hellenic Police. Land borders in Greece are considered military protected zones under the supervision of the Greek Army, therefore the Greek Army is constantly present at the border and it may happen they meet with Hellenic Police and Frontex TM. However, Frontex is not performing any tasks together with the Greek

Army and they are not part of any Frontex operational activities”. Unfortunately, the operational project of Frontex forces under the control of the Member States’ authorities is also a reason [why it is difficult to hold Frontex accountable for its participation in any infringements](#).

Another example of the weakness to set up a mechanism in order to monitor FRONTEX staff’s breaches, especially in areas that are also military zones and are therefore inaccessible to human rights advocates, is F. Leggeri’s answer to [question 18](#) before the European Committee on Civil Liberties, Justice and Home Affairs. When asked why he did not adopt the recommendations of the fundamental rights officer in order to reconsider the continuation of RBI EVROS 2020 as defined in Article 46 (4) and (5) of Regulation 2019/1896, F. Leggeri replied that according to Article 46 (6), decisions to suspend operations must be made on the basis of registered complaints which have not been resolved by a national competent authority, reports of serious incidents, reports from coordinating officers, relevant international organizations and Union institutions, bodies, offices and agencies in the areas covered by this Regulation. With the presence and activity of the rapid intervention teams and not only in the borders of Evros, which is a military zone, it is impossible to record any violations of Frontex or other national bodies. As a result, neither accountability nor suspension or withdrawal of funding for the Agency’s activities, in whole or in part, can be achieved in such areas forming eventually a framework of full impunity and an exemption regime for human rights.

Finally, in accordance with [article 41 of Law 4760/2020](#) passed on 11th of December in 2020, Frontex personnel’s right to carry weapons was institutionalized. Specifically, the permanent personnel of category 1 of the European Border and Coast Guard (Frontex), which is developed in the Greek Territory for the needs of conducting joint operations with the Greek Authorities, if it is deemed to be capable of carrying weapons according to Regulation (EU) 2019/1896 and has the approval by the Executive Director of the European Border and Coast Guard, may carry armaments, ammunition and other equipment, which are registered as material of the Greek Police in the context of exclusively fulfilling the purposes of the operational plans and for as long as it remains in the Greek Territory»

3. THE OPERATION OF THE RECEPTION AND IDENTIFICATION CENTER (RIC) OF FYLAKIO, ORESTIADA DURING THE CONTINUATION OF THE PANDEMIC

Six months after the first confirmed positive case of COVID-19 within the RIC, 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, the construction of a Wing specially made for the 14-day quarantine of the new arrivals started. The construction of the so called “Wing K”, was completed in December and as these lines are written, 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 NPHO conducts COVID-19 Rapid Tests to every newcomer, while at the same time, no matter the result, they are put in quarantine as a precaution.

In the framework of the abolishment of protective custody for the unaccompanied minors and the acceleration of their placement into suitable shelters, the Special Secretary for the Protection of Unaccompanied Minors, Irene Agapidaki, stated that 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 danger, 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 differences in their temporary registrations, then an amending act follows, which could lead to even criminal consequences for false statement etc.

It is worth mentioning, that in an arrival of Turkish asylum-seekers in the middle of March, the strictness of the local authorities was observed, since an administrative fine of 150 euros had been imposed 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 – Government Gazette 4899/B/6-11-2020. The short deadline of five (5) working days for objections against the submission of the fine (article 9 of the Joint Ministerial Decision 71342 – Government Gazette 4899/B/6-11-2020) and the 14-day quarantine in which they were confined within the RIC made their access to legal aid impossible, in order to officially object regarding the fine.

During November and following RIC's re-operation in the middle of October, three employees of the National Public Health Organization (NPHO) were found positive of COVID-19 and they were confined in quarantine. In the next days a pre-scheduled decontamination took place despite the need of an imminent decontamination after the announcement of the positive employees. This incident caused a strong concern to the registration officers who held NPHO accountable [for not implementing the measures properly and for not conducting tests and tracing among the employees](#). Soon after the incident, two more employees in the Secretariat of the RIC were found positive, resulting to a special mission from the NPHO visiting the RIC to conduct tests to the majority of the employees. From the approximately one hundred (100) tests which were conducted, five people were found positive, and they were confined into quarantine. Supplementary tests followed for the employees who were not present during the first time, of which three (3) more were positive.

After the employees were put in quarantine, the operation of the Center continued normally and until now newcomers arrive gradually to complete the reception and identification procedures. Regional Asylum Office (RAO) of Fylakio operating within the RIC premises remains operational, while the actors at the RIC follow a rotational program regarding the presence of the employees, as a precaution for the spread of COVID-19. Additionally, during the last weeks, the meetings between the administration of the RIC and the actors, which had been replaced by online meetings of the actors since August 2020, have started again.

I. A NEW CHALLENGE FOR THE REFUGEE POPULATION REGARDING THE RIC PROCEDURES AT FYLAKIO, ORESTIADA



On December 9th, 2020, in addition to the planned arrivals from the Border police Stations, 30 Iraqi nationals were transferred from the accommodation structure in Serres to the RIC Fylakio, Orestiada in order to undertake registration procedures, following a relevant communication of the directors. The only legal document they had before their transfer was a police-note. Similar arrivals from the same structure followed in the next days, confirming the government's intentions to oblige those who have not undertaken any registration procedures and are hosted in structures in the mainland, to reach the nearest RIC in order to undergo reception and identification procedures in order to have access to housing and other basic rights (articles 2 and 39 of Law 4636/2019). Therefore, no accommodation structure can provide housing to a third-country national without him or her being transferred from a RIC under an organized plan by the Central Reception and Identification Service and without having already received the new card for international protection. In particular, and according to article 8 of Law 4686/2020, par. 2. a new paragraph 9 was added as follows: "The asylum card can be issued in the form of a card with electronic registration and renewal, as well as by any technologically appropriate means. By decision of the Minister of Migration and Asylum, all relevant details for the application of this article are regulated". The new card issuance system is already applied at the RIC of Fylakio. The latter is the only RIC at the land borders and thus, it would probably serve newcomers from accommodation structures mainly in Northern Greece.

II. DEVELOPMENTS AT THE FIELD OF PROTECTIVE CUSTODY

The long-term violation of unaccompanied minors' rights, who, by customary practice of the authorities, remain in "protective custody," even in police stations, for an indeterminate period of time due to "lack of shelters" led, once more, to a series of convictions of our country by the European Court of Human Rights. Specifically, the court held that the stay of unaccompanied minors in "protective custody" constitutes among others, violation (a) of Article 3 of the European Convention on Human Rights about prohibition of inhuman or degrading treatment, as the conditions of detention of the applicants (unaccompanied minors) in various police stations amounted to degrading treatment, observing that police stations "possessed certain features liable to produce feelings of isolation among detainees (...) and they were not suited to the requirements of extended periods of imprisonment (Kaja against Greece) article 32927/03 par. 49, 27th of July 2006 (...) with potentially negative consequences both to physical and mental health. (Efremidze, as mentioned above § 41). (...), that the detention at police stations is (or should be) for relatively short periods and that people who are detained for time period of 24 hours or more, should have, to the extent possible, everyday exercise in open space (in this context COE recommendations upon detention cases by the police, paragraph 139 and HA and others against Greece, ECtHR decision of 28.2.2019, paragraph 168) and (b) of Article 5 paragraph 1 of European Convention on Human Rights about the right to liberty and security. The court reminded that while "States are entitled to restrict the freedom of potential immigrants in the context of migration control" (Saadi against United Kingdom [GV] § 43, CEDH 2008, Khlaifia and others against Italy [GC] article 16483/12 § 89, 15 December 2016), "this right must be exercised in accordance with the provisions of Convention (...)" and "every deprivation of freedom should be in accordance with the cause which is the protection of the person against arbitrariness. (Gebremedhin [Gaberamadhien] against France, article 25389/05, § 74, CEDH 2007-II, Saadi, as mentioned above § 67), "place and conditions of detention should be suitable". There must be a relationship between the ground for permitted deprivation of liberty relied on the place and conditions of detention. The Court takes into consideration that the detention measures are applied to foreign nationals, who might have not committed any offense, besides those related to unauthorized residence. Furthermore, the duration of the measure should not exceed the reasonable and necessary duration that is needed to achieve the purpose (Kanagaratnam and others against Belgium article 15297/09 § 84, 13 December 2011) (...). To this is added the obligation of the States, by article 3 of the United Nations Convention on the Rights of the child of 20th November 1989, to take the best interest of the child into account as a primary consideration in all actions or decisions that concern her/him. Taking all the above into consideration, the Court concluded that "the detention of the applicants was not regular (régulière) according to article 5 par. 1 of the Convention and that there was a breach of this provision (H.A and others against Greece, ECtHR of 28.2.2019 par. 195-208).

During the previous period and despite the constant pressure both by organizations that act in the field, among which HumanRights360, and by institutions, as the Greek Ombudsman, concerning the misuse in the application of protective custody, there was no effort by the Greek state to remedy the violations. "Protective custody" continued being applied as the rule and not exceptionally, with minors being subjected to harsh conditions of liberty deprivation, despite the unconstitutionality of the provision, contrasted to article 5 paragraphs 4 of the Hellenic Constitution and articles 4 & 5 of the European Convention of Human Rights. In addition, no evaluation of the best interest of the minor was held before or during the detention, in violation to the Convention on the Rights of the Child. The person under "protective custody" cannot exercise the right to a hearing before its

imposition and is not provided with legal support so as to question the administrative measure against them, which has no maximum time limit.

The Greek State, following a series of convictions by the European Court of Human Rights and being already under supervision for relevant decisions proceeded to the deletion of article 118 of the Presidential Decree 141/1991, regarding “protective custody” of unaccompanied minors and introduced a new provision with article 43 of Law 4760/2020, which was applied on 11th of December 2020. At the same time, the Special Secretariat for the protection of Unaccompanied Minors, Irene Agapidaki, committed for the immediate referral of the UASCs from the RICs and police stations, to appropriate accommodation facilities for minors and announced the intention for their immediate registration from the first day of their entry to the RIC, unlike the current practice that is to be registered after spending 14 days in quarantine, because of Covid-19 measures.

However, the provision of article 43 of Law 4760/2020 regarding the abolishment of protective custody does not clarify the legal status of the unaccompanied minors which are currently present at the RIC of Fylakio and continue to stay there until the placement to a suitable shelter is completed. The problematic arises especially, when the obligatory 14-day quarantine is applied as measure against the spread of Covid19 and the procedures of the RIC follow under the new unified registration system, in anticipation of the placement to appropriate accommodation facilities. In most cases like these, unaccompanied minors stay at the RIC of Fylakio way more than 25-day time in which the procedures are supposed to be completed. On the certificates that are granted by the Secretary of the RIC, in order to be presented to the Appeal Committee of the Appeals Authority to justify the non-personal appearance of the unaccompanied minor in the proceedings of their appeal, is certified their residency inside the RIC, without mentioning their legal status.

According to the statistics of the National Center for Social Solidarity, on 31-12-2020 127 UASCs were present at the RICs across the country, 382 at Safe Zones and 30 under “protective custody”. At the same time period 57 UASCs, were hosted at the RIC of Fylakio Orestiada. The latter had entered RIC of Fylakio in October of 2020. During January of 2021 31 UASCs were transferred to shelters. It is observed an acceleration in the procedures of placement and transfer of UASCs from RIC compared to the previous period in which UASCs remained for several months under “protective custody”. However, the immediate reference to appropriate accommodation facilities for minors, according to article 43 par.2 l. 4760/2020 has not yet been achieved.

Undeniably, the abolishment of protective custody is a positive development aiming to ensure UASCs’ best interest. It is of great importance though, to investigate on the manner in which this new amendment will be applied in practice. It is to be noted, that although the Greek Government on the 30th of November 2020 and according to the explanatory memorandum of the article that abolishes protective custody stipulates clearly and in a comprehensive manner the problematic issues of deprivation of a safe or known residence for UASCs justifies its abolishment to a set of convictions of our country by the European Court of Human Rights. The latter creates the impression that the state acknowledges the problematic situation and tolerates the violation of UASCs’ rights without taking any measure to restore the compliance with law except where otherwise “forced” for by European Institutions. In particular, it is stipulated in the explanatory memorandum regarding the abolishment of protective custody that a) the conditions of custody are

equivalent to detention conditions b) police stations and Pre-Removal Detention Centers are unsuitable for minors c) during custody in these places fundamental human rights are being violated d) it is not Police's jurisdiction to solve the problem of unaccompanied minors' shelter and e) that our country has already been convicted by the European Court of Human Rights and has received severe criticism for applying this measure to unaccompanied minors, confirming all the above mentioned observations and reservations regarding the implementation of this new provision.

III. DEVELOPMENTS RELATING THE REGISTRATION PROCEDURES AT THE RIC OF FYLAKIO AND THE INSTITUTION OF THE GUARDIANSHIP

According to the official numbers of the Ministry of Migration and Asylum in the first half of [2020](#) only 1,966 people had been registered at the RIC of Fylakio . During 2020, in total 5,476 people had been registered, compared to [14,257](#) in 2019 and 13,196 in [2018](#). The latter is worth analyzing in conjunction with the legislation amendments implemented in the RIC Fylakio. In particular and accordantly to article 5 of Law 4686/2020 (Government Gazette A '96 / 12.05.2020), a second paragraph has been added in point d' of article 63 of Law 4636/2019, where it is provided that: "For the full registration of applications for international protection, submitted by third-country nationals or stateless persons in accordance with the more specific provisions of paragraph 7 of Article 65 hereof, "Competent Receiving Authorities" may also be the Regional Reception and Identification Services ". With article 6 of Law 4686/2020, a very important article of Law 4636/2019 was amended, and specifically article 65, as follows: "par. 2 .: In case, for any reason, it is not possible for a full registration, in accordance with paragraph 1, following a decision of the Director of the Asylum Service, the Receiving Authorities may proceed, no later than three (3) working days from the submission of the application, to a simple registration of the minimum necessary data, including the language in which he wishes to have his application examined and then to complete the full registration of paragraph 1, on a specific date, of which the applicant is informed and which may not be more than fifteen (15) working days days from the simple registration of the application ... ". «Par. 7.a .: A third-country national or stateless person may file an application for international protection, while subject to the Reception and Identification procedures of paragraph 4 of article 39 hereof, acting in a regime of restriction of liberty within the Reception and Identification Center. The application may be submitted before the Regional Reception and Identification Authorities, which shall immediately carry out a full registration in accordance with the provisions of paragraph 1 hereof ".

As per October 16th, 2020, the implementation of the new unified registration system of the newly arrived population has been implemented. The Reception and Identification Service, through its registrars' task force, is responsible from now on for completing a two-page registration form adapted to RIC's procedures and a seven-page form, adapted to the asylum procedures. From the very beginning of the application of the unified registration system at the RIC Fylakio, Orestiada, many problems occurred mainly related to the unqualified personnel deployed to undertake the registration procedures. Moreover, another problematic issue is the introduction of a nine-page

form which content refers to Border Procedures of Article 90 of Law 4636/2019 (Article 43 of Directive 2013/32 / EU) and not to RIC's of Fylakio, raising serious questions about the proper application of the law. The general problematics of this unified registration system, with the extremely short deadlines provided, were reflected immediately and at the RIC of the islands, the majority of which have not implemented them up to now.

In the light of the unified registration, in combination with the absence of guardians after the termination of the program of the network of guardians of METAdrasis in March 2020, a serious issue arose regarding the representation of unaccompanied minors under 15 years, upon the reception and identification procedures. The gap in the possibility of entrusting the exercise of the guardianship to legally suitable persons, in order to represent and ensure the best interest and the overall well-being of the minors entering the RIC, was temporarily filled by the child protection organizations (HumanRights360, Arsis). These organizations, through their lawyers, undertook to obtain a relevant legal authorization by the Prosecutor of the Court of First Instance of Orestiada, as a temporary Guardian of minors, in order to sign on behalf of the minors under 15 years, during their reunified registration at the RIC of Fylakio. It soon became clear, however, that the best interest of these minors was in jeopardy because of the extreme speed of the proceedings, which the lawyers of the organizations were called upon to cover, as legal representatives of the children, but also of the gaps and ambiguities in the new registration forms. Undoubtedly, it was found that at this stage there was not enough time to fully inform the minor in order to understand the procedures for submitting a request for international protection not least to collect the necessary documents to complete the registration with the correct and accurate details of each minor and submit a family reunification application.

Furthermore, there was a serious concern about the dual role of NGO's lawyers (Guardian-Lawyer), as the role of lawyers undoubtedly cannot and should not be equated with the role of a guardian, who, among other things, receives appropriate training for their role, in order to approach the needs of minors in a holistically way. Therefore, in a joint letter to the director of the RIC, the two organizations expressed all their concerns about this practice, stated that they are not willing to continue replacing guardian's' absence recommending proposals to address the issue until the implementation of Law 4554 /2018 or the resumption of a relevant program of the guardianship network of METAdrasis. Indicatively, it was proposed that the Prosecutor of the Court of First Instance of Orestiada could authorize the psychosocial staff of the NPHO, as specialized professionals that are able to have a more complete medical and psychosocial view or authorize the Juvenile Bailiff of the Court of First Instance of Orestiada to represent the minors upon the reception and identification procedures.

In that context, unaccompanied minors under the age of 15 within the RIC Fylakio of Orestiada are unable to be subject to both the reception and identification procedures, as well as asylum procedures before the RAO. Moreover, due to the absence of an authorized guardian to represent them and sign on their behalf failing to be placed in appropriate shelter structures. In view of this emergency, it was announced at the beginning of January 2021, the resumption of the program of the guardianship network of METAdrasis and the deployment of two guardians to the RIC for eight (8) months. In anticipation of the new guardians whose arrival is estimated to be delayed, the arrival of one guardian with an extraordinary mission for a single day was achieved, in order to record and meet the needs that arose especially for unaccompanied minors under 15 years.

IV. THE ANNOUNCEMENT OF THE EXPANSION OF THE RIC/PRDC, FYLAKIO ORESTIADA



The announcement of the expansion of the RIC/PRDC at Fylakio-Orestiada by the Minister of Migration and Asylum N.Mitarakis, is possibly part of the implementation of the European Pact on Immigration and Asylum. Besides, the construction of large detention as well as reception centers at the external borders of Europe including Evros, is one of the guidelines of the new Pact. Unfortunately, especially after the crisis of March 2020, the Ministry argues that the expansion of the RIC/PRDC is a matter of “national defense” and “national security”, including the migration policy only in the context of the tension between Turkey and Greece.

As early as September 3, 2020, during a meeting of the Municipal Council of Chios, the intention of the Government to expand the RIC and PRDC of Fylakio became known. In particular, when the Minister Notis Mitarakis, who was present at the meeting was asked regarding the matter, he replied that [“we are already expanding Fylakio-Evros”](#), with a capacity similar to that of the RIC of Samos.

On September 15, 2020, during a meeting of the Municipal Council of Orestiada, a member of the council belonging to the political party “Municipal Restoration”, stated that [“some people are looking to buy 150 acres of land around the village of Fylakio and PRDC”](#). At the same meeting, the Mayor of Orestiada named IOM as a potential buyer. Later, while speaking in Parliament during a meeting of the “Standing Committee on Public Administration, Public Order and Justice”,

the Minister stressed the need to strengthen the premises and the security of the RIC of Fylakio. At the same time, he clarified that the asylum-seekers won't reside there permanently due to national reasons. They will remain there for a few weeks or months, until an appeal is finalized in case of a first negative answer to their asylum request. Finally, he announced that there will be an increase in the existing staff. These announcements caused the reaction of the Mayor of Orestiada, Vassilis Mavridis, as well as of the Congressman of New Democracy Stavros Keletsis, who spoke about improving the quality of the already existing structures and opposed the expansion. In parallel with the discussion on the expansion of the RIC/PRDC, the construction of the fence with a total length of 27 km in the area of Feres began, with the Prime Minister visiting the prefecture on October 17, 2020 in order to inaugurate its construction.

On December 30, 2020, after the visit of the Minister of Civil Protection and his statements regarding strengthening security in Evros, a document was published by the Ministry of Immigration and Asylum regarding the construction of new infrastructure for the accommodation of the asylum-seekers, as an addition to the already existing structure at Fylakio. In a teleconference held between the Minister, the local Congressmen of the ruling party, the Regional Governor and the Deputy Regional Governor of East Macedonia and Thrace, the main [argument](#) of the Ministry regarding the expansion of Fylakio, revolved around the operational plan of the Government regarding “substantially reducing the flows of immigrants and increasing the safety of the residents”, linking the entry of immigrants/refugees with the endangerment of the residents. In fact, the Minister presented the need to expand the new closed/controlled structure as a “national priority against the Turkish provocation”. His argument also included reasons related to the pandemic, the need to make more space for the quarantine of the newcomers, the need to register and control the asylum-seekers and the inability to detain them in the existing Border Patrol Departments due to capacity reasons. The new structure, as it is shown in the call for proposals to the National Asylum, Immigration and Integration Fund Program which has been uploaded in Diavgia, will be closed/controlled and its construction will be completed within 2021. The Reception and Identification Center and the Pre-Removal Detention Center, will have a capacity of 750 people each. The funds for its construction will be provided by the European Commission and it will include a double NATO-type military fence, with an installed electronic and physical security system around and inside the premises, with the use of cameras, motion-analysis detectors and alarms that will be triggered in cases of fire, non-authorized entry or illegal substances. After the teleconference, the Minister accepted the [proposal](#) of the Deputy Regional Governor Mr. Petrovic to visit the area and discuss the issue live with the participation of all the stakeholders, in order to answer questions regarding the expansion of the reception and identification structures of Fylakio.

The Government's plan regarding the expansion of the RIC of Fylakio, caused the reaction of several [local institutions, unions, associations, citizens and the media, in Orestiada and in other areas of Evros](#). Among them are [the Bar Association of Orestiada](#), [the Medical Association of Evros](#) and [the four Metropolitans of Thrace with their relevant announcement](#). Additionally, a protest took place in front of the City Hall of Orestiada, organized by the Union of Professionals and Craftsmen of Orestiada and Region, where there was a sign saying, “Yes to the extension of the fence, no to the new structures in Evros”. Not every reaction regarding the expansion of the RIC/PRDC stems from far-right ideologies. Organizations and [citizen movements](#) have stated their opposition, clarifying that “we do not treat the people who are persecuted by wars, civil conflicts,

regimes, degradation, hunger, and try to save their children, their families and their lives and to secure a better future, in a xenophobic or racist way. For us, in every question, Human is the answer. Our grandparents were refugees, and our parents were immigrants”.

On January 14, 2021 while speaking on a local radio station, the Minister, trying to persuade the citizens that the asylum-seekers won't be staying in Fylakio for more than a month, announced his controversial decision to move the Regional Asylum Office of Thrace from Alexandroupolis to Kavala, for the newcomers to leave immediately after the completion of the registration and identification procedures. The announcement caused the [reaction](#) of the nineteen employees of the RAO, which is based in Alexandroupolis, who sent a relevant letter to the Ministry of Immigration and Asylum, requesting a meeting with Mr. Mitarakis in order to discuss the matter with him. The visit of the Minister in Evros was [scheduled](#) to happen from the 16th until the 18th of January. However, according to an [announcement](#) issued by the Ministry of Immigration and Asylum on January 15, 2021, the visit was postponed due to the detection of COVID-19 in local Government Officials and their confinement in quarantine.

The Minister of Immigration and Asylum visited Orestiada and RIC Fylakiou on 8.2.2021 where he has confronted with [reactions](#), which unfortunately in terms of slogans and practices were reminiscent of far-right demonstrations. After his visit, the Minister [stated](#) that he seeks to put pressure on the European Union so that “returns” to Turkey must be made from the country's land borders.

4. FAR-RIGHT RHETORIC

Unfortunately, this rhetoric by the Government joined also by reactions within the society against the expansion of RIC/Pre-Removal Detention Center was and remains a field of political exploitation by far-right groups, as was the case in the March 2020 crisis. In particular, the president of the “Hellenic Solution”, MP K. Velopoulos paid a visit to the Fylakio RIC together with the local candidates of his party. Later on, on 13th of January in 2021, he submitted a [query](#) to the Parliament regarding the expansion quoting an [announcement](#) of the Agricultural and Livestock Association of Alexandroupolis whose activity in March 2020 is related to their reaction to the expansion of KYT / PROKEKA (*we proved it last year, we will not hesitate to prove it again this year, if we need to defend our land*). Furthermore, the President of that Association stated in a [local channel](#) that in case a structure for immigrants was crafted in the plain of Feres that “we would blow it up” and he also highlighted that the prevention of migrants should take place in Evros and those who pass must be deported immediately.

For the activity of the extreme right in Evros, we should pay notice to the [article](#) written by D. Psarras and A. Telopoulos entitled “the hunter of refugees and his defenders in public discourse”, in which the journalists reveal the status of “the defenseless resident of Ormeniou as a candidate with Golden Dawn in the national elections of 2019. The latter posted a video where he arrested two Turkish refugees using a shovel. The article also mentions another interview of him in an extreme right-wing Italian newspaper where he states that he immobilizes refugees in order to hand them over to the police admitting that he carries shotguns. He even described a patrol with other members of the Golden Dawn on the banks of Evros, where they arrested 70 immigrants. He has even boasted in another interview that he has dug up about 2.000 immigrants.

However, an indicative example of far-right rhetoric is first and foremost the [statement](#) of the Minister of Citizen's Protection M. Chrysochoidis during his visit in Evros on 29th of December in 2020 in view of the supervision of the fence's construction: *"In 2020 we were tested here in the borders, in Kastanies, in Evros, we were tested in the Intensive Care Units and we endured. 2021 is the time of security. The vaccine and the fence. We will defeat the coronavirus, we will be safe as a country, safe as Greeks, we will be safe as Europeans..."*. Frustratingly, the parallelism of people with viruses and pandemics refers to other historical eras and is not appropriate for a political leadership.

5. AN EYE TO THE FUTURE

2020 was the year in which the violation of the principle of non-refoulement took on such extensive dimension in Greece that it became an official state policy. The Pact on Migration and Asylum is a way of managing the migrant and refugee population that does not correspond to the solidarity demonstrated by the Europeans in the years 2015-2016. The destruction of Syria, along with other conflicts, dictatorships, and extreme poverty, has led thousands of refugees in search of a better life. But even then, the number does not correspond to the rudimentary reception conditions provided by Turkey or Lebanon.

However, the discussion in view of the European Pact on Migration and Asylum must begin from the basic principle that we are talking about people, about human lives. The main concern for the future is the treatment of the Other, who has another nationality, the immigrant / refugee as a number, as a potential enemy and danger. huge sums of money are distributed for border surveillance, a fact which instrumentalizes even more the immigrant as an object whose entry into the European territory must be deterred.

However, this approach does not leave society intact in Europe. The instrumentalization of the Other as an enemy creates fertile ground for far-right rhetoric and actions to confirm their political agenda against refugees and immigrants. At the same time, official political rhetoric in Greece has equated "national defense" with protection against "migratory flows", which works even more locally against refugees who seek a safe shelter from war and poverty. But at the same time, it is disintegrating local communities within Europe, cultivating hatred for one another – a hatred that has long poisoned Europe's overall political life.

The recent crisis, caused by the pandemic, instead of promoting the togetherness and treating the refugee population without any discretion, this population was further marginalized in order either" to protect them or us from the virus".

The defense of human rights and the need to reintroduce the refugee to society, to clarify the concepts and terms stipulated in the law and in international treaties as well as to record the violations that these people suffer either at the borders or at a subsequent time as a result of the discrimination is a priority at this time.

