

8 January 2017

Dear European Commission Members and EU Coordinator on Implementation of the EU-Turkey Statement:

As asylum seekers living on the island of Lesbos, Greece, we write regarding the 8 December 2016 Joint Action Plan of the EU Coordinator on the implementation of the EU-Turkey statement. The current plan will aggravate the safety and security of asylum seekers and will lead to the continued violation of our rights, and we write with several recommendations to improve enforcement of EU law, and protection of all of us who are seeking refuge in the EU.

Since 20 March 2016, the date of entry into force of the EU-Turkey statement, the island of Lesbos has turned from a place of transit to a place of detention. Women, children, families, single men, victims of torture, war, and persecutions are prevented from leaving the island and are living in camps whose conditions are inhumane and degrading. We ask that the EU make the following changes to its published Joint Action Plan in order to protect our rights and ensure that the EU and Greece bring its policies in line with Greek, EU, and international law.

**1. Cease all deportation and return to Turkey, especially of vulnerable individuals and those who have the right to family reunification.**

The Joint Action Plan proposal to increase returns to Turkey, including of vulnerable individuals and individuals who have a right to family reunification in Third EU Member states will violate these individuals' right to protection, their right to family unity, and the Dublin Regulation.

According to Turkish practices, all non-Syrian asylum seekers returned from Greece to Turkey are detained in closed "Repatriation Centres" without access to medical care, education, or legal assistance. Turkey only grants refugee status to EU citizens, and all others non-Syrians can only receive a temporary protected status, while they await resettlement in third countries. The few individuals who receive this temporary protection are released from the Repatriation Centres, but are forced to live in satellite cities where their movement is restricted and there is limited opportunities to work and maintain a dignified life, awaiting settlement in third countries for years. Additionally, Syrians are only given temporary protective status, and also have restricted movements in Turkey and limited access to medical care, education, and adequate housing. Just last week a seven year old Syrian child was denied access to four hospitals his father attempted to bring him to, before dying in his home. Hundreds of individuals have already been returned from Turkey to Syria, and individuals are regularly persecuted in Turkey due to their political opinion, social group, etc.

The EU-Turkey statement and return of all asylum seekers, and in particular vulnerable individuals, to Turkey is contrary to ECHR Art. 3 and 1951 Refugee Convention Art. 33 prohibition of refoulement, as refugees and asylum seekers' rights are not guaranteed in Turkey.

**2. Rather than increase Border Patrol presence in hotspots and between EU Member States, improve conditions and procedures in Greece, and in particular in hotspots.**

The Joint Action Plan includes the increase of policing and Border Patrol to prevent the movement of people from hotspots to mainland Greece, and from Greece to other EU Member States. We asylum seekers have arrived in Greece seeking refuge from the persecution and wars we have fled. People will continue to seek safety outside of Greece so long as the conditions in Greece continue

to be unsafe and inhumane. Instead of providing additional policing to control the inevitable movement of desperate people seeking safety for their themselves and their families, resources should be dedicated to improve conditions in Greece, and in Lesvos in particular. The following changes to policies in Lesvos will greatly improve conditions and procedures, and will more effectively lead to decrease in the irregular movement of people as individuals will no longer need to seek refuge outside of Lesvos and Greece:

- ! *Improve security and conditions in Moria Camp.* Currently, individuals, including at least 600 vulnerable individuals and families with minor children, are living in freezing conditions in plastic tents that flood when it rains, and many individuals have acquired unsafe private heating stoves to heat their tents and cook food given the inadequate and sub-standard food being provided in the camp. Already one woman and a child were killed in Moria Camp when a stove like this exploded. Also, women do not use the bathrooms at night for fear of being sexually assaulted, no one has access to hot water, and unaccompanied minors are kept in prison conditions inside the camp where they receive no education or play areas. To improve these conditions, the EU must provide adequate security, in the form of properly trained security officers (not just increased number of police), proper lighting, hot water, and properly winterized housing that “ensure[s] an adequate standard of living and protect[s] the physical and mental health of asylum seekers,” as required by Article 17 of the Recast Reception Conditions Directive 2013/33/EU. Improvement of living conditions will decrease the number of people seeking safety outside of Moria Camp and outside of Greece.
- ! *Ensure that all arrivals to Lesvos have their asylum application registered within 10 days of arrival as required by EU Directive 2013/32/EU, and permit asylum seekers to travel to the mainland.* Already, all individuals that arrive in Lesvos are processed at the Reception and Identification Centre in Moria Refugee Camp within 2-3 days of arrival. All information necessary for registering an application for international protection is taken at the time of reception, yet the Greek Asylum Office, in coordination with EASO, is delaying the full registration of asylum applications for up to six months or more after arrival. There is no excuse for this delay. During this delay individuals are denied the rights guaranteed by the EU to asylum seekers, including the right to work, rent apartments, family reunification, and relocation in third Member States. This leaves us in a state of limbo, unable to move on in our lives, and often seeking alternate routes to leave Lesvos and Greece.
- ! *Bring asylum procedures in line with EU standards, as required by Common European Asylum System Directives.* Of all EU Member States with at least as many asylum seekers as Greece, Greece has the lowest or second lowest approval rating for each of the last four recorded quarters<sup>1</sup>. In the last recorded quarter, Greece approval rating for all first time asylum seekers was only 18%, versus 63% for all of the EU. Given this discrepancy, it is inevitable that asylum seekers will move to other European States irregularly, when the alternative they face is being denied international protection in Greece, and being returned to persecution and war in their home countries. The EU must provide additional support to the Greek Asylum Service, through EASO, and ensure that EU CEAS directives are fairly implemented in Greece.
- ! *Provide asylum seekers with information on procedures and rights upon arrival, and legal assistance throughout the process.* The Joint Action Plan recommends that the Greek authorities with EASO support should “continue to inform migrants about the rights, obligations and available options, channel them into the relevant procedure.” However, this

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<sup>1</sup> Eurostat, <http://ec.europa.eu/eurostat/data/database>

is not currently happening in Moria Refugee Camp, and asylum seekers have no knowledge of the procedure they must go through to obtain international protection, or what their rights are as asylum seekers. For example, individuals are not informed about the eligibility requirements for family reunification, relocation, or when or how to apply for reunification or relocation. If adequate information is provided to asylum seekers when they arrive in Lesvos, and legal assistance is provided throughout the process, asylum seekers will be less likely to feel desperate and the need irregularly move outside Greece, for example to join family members that they have a right to reunite with through legal processes.

- ! *Notify asylum applicants in writing of registration and interview times, rather than by loudspeaker.* The current practice of notifying individuals of their registration and interview dates by loudspeaker in the Moria Refugee Camp means that if someone misses hearing their name because they left the camp, their case will again be delayed. This in effect means that all asylum seekers are detained in Moria Camp if they wish to continue with their legal process, which is illegal under Greek, EU, and international law. This system must be replaced with notification given in writing and through publicly posted registration and interview times.
- ! *Allow waiver of court fees to appeal asylum denials.* Currently, applicants must pay court fees if they wish to appeal a denial of international protection in Greek Administrative Court. These fees are often prohibitively expensive, meaning that many asylum seekers with legitimate claims are illegally deported and face persecution and death in their home countries. The absence of an ability to waive this fee for asylum seekers violates their right to access justice and be free from torture, inhuman, and degrading treatment under Articles 13 and 3 of the European Convention of Human Rights. Instead of focus on limiting abilities to appeal denial decisions as outlined in the Joint Action Plan, the EU must ensure that asylum seekers unable to pay court fees can still access these courts in order to appeal denials. This will lead to more effective implementation of Greek Asylum Law, and decrease the number of individuals seeking to leave Greece and seek asylum elsewhere in the EU.
- ! *Allow waiver of court fees to challenge detention decisions.* Currently, applicants must pay court fees if they wish to challenge a decision to detain them. The Joint Action Plan proposes increased detention capacity on the Greek islands such as Lesvos. Already, individuals are being illegally detained in Moria Camp and the mainland. Currently, in Moria Camp, individuals from certain nationalities, in particular citizens of Algeria, Morocco, Tunis, Pakistan, Nepal, and Bangladesh, are being arbitrarily detained for the entire time their application for international protection is pending. This practice is contrary to EU and Greek law, which prohibits arbitrary detention without individual assessment, and the basic tenants of international law, which prohibits discrimination based on nationality. Other individuals are being taken from the open camp in Lesvos, and detained on mainland Greece, with no grounds for detention. Detention of asylum seekers is *only* allowed as provided by Greek Law 4375, Article 46(2), which requires that a certain condition be met and can only occur after individual assessment. The court fees needed to challenge a detention decision are often prohibitively expensive, meaning that many asylum seekers are illegally detained for months. Instead of focus on increasing detention capacity in the Greek islands the EU must ensure that asylum seekers are able to challenge unlawful detention, even if they are unable to pay these fees. This will decrease the number of individuals detained on the mainland and the islands, and additional detention facilities will not be necessary.

3. Visit Moria Refugee Camp in order to learn first hand of horrible, inhumane conditions

Finally, we cordially invite all EU Commissioners and the EU Coordinator and her team to Moria Refugee Camp so that you can see for yourself the inhumane conditions in which we are living, before you make further policies that impact our lives. You may contact us at the phone numbers below.

Sincerely,

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