

“All is well that ends well”? – The Island of Lesbos since the EU-Turkey Statement

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In the long summer of migration 2015, the Greek islands served as one of the main entry points into the European Union. Thousands of refugees arrived in rubber dinghies on the shorelines and were transferred to the so-called “hotspots” for registration – camps surrounded with barbed wire run by the Greek state, and supported by UNHCR also hosting European border control organizations such as Frontex and Europol. While people sometimes had to queue up in front of the hotspots for hours and days under terrible conditions, there was strong solidarity shown by locals and volunteers from all over Europe. After a few days, migrants could continue their journeys to the Greek mainland and beyond by ferry looking for safety and decent lives.

All of this suddenly changed after the EU-Turkey statement from March 18 2016 was made, declaring that *“(a)ll new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey.”* A one-to-one exchange was intended: For each Syrian sent back, one Syrian refugee from Turkey was supposed to be officially relocated into the European Union up to a limit of 72.000 people. As a consequence, the Greek islands were locked up and transformed into ‘open air prisons’. Refugees were stopped from boarding the ferries and trapped on the islands to wait for their asylum claims to be processed and – as was intended by the agreement – to be eventually deported to Turkey.

The EU-Turkey statement – which the German Chancellor Angela Merkel had pushed for – was celebrated as a “European solution”, supposedly opposing nationalist and isolationist policies and at the same time “solving” the so-called “refugee crisis”. When the Balkan route was closed and the deal with Erdoğan concluded, the German interior minister de Maizière proudly explained in an interview: *„The Balkan Route is finished and shall stay finished. (...) All’s well that end’s well.”*

Caught on Lesbos Island

However, since the deal was concluded, the crisis for refugees trapped on the Greek islands dramatically deteriorated. People fleeing violence and imprisonment in their home countries can no longer move on to reach safety. Instead, under the constant threat of being deported, they are again held behind barbed wire – some for more than a year – waiting for their asylum applications to be processed.

On Lesbos Island, new arrivals are directly brought to the hotspot camp Moria for registration. A young Syrian arriving on Lesbos explained: *“When the people see Moria, they can’t believe it. When you come out of the boat and you’re still alive, you think: ‘Now I’ve made it’. But then you stand in front of all this barbed wire and wonder: ‘Is this Europe?’ And you know that you came back to prison.”*

Directly after the EU-Turkey deal was enforced, refugees arriving on Lesbos Island were locked into the camp Moria without any possibility to leave. Only the few who were considered especially ‘vulnerable’ (e.g. women with children) were transferred to the slightly better equipped camp of Kara Tepe or to the small community based solidarity camp Pikpa. But it turned out to be impossible to keep thousands of people locked behind NATO wire for long: Fires and protests in the camp started and finally, the detainees were allowed to leave Moria camp during daytime.

However, all humans seeking protection held in Moria still live under highly precarious conditions: Every day, they have to queue up for hours in the food line in Moria camp to get small portions of food from the military. Sometimes, there is not enough food for everyone so that people remain hungry, feeling humiliated after hours of waiting. There is also a constant lack of warm water and the possibility for personal hygiene is very limited. People also suffer from a lack of medical treatment and in some cases, even survivors of torture and sexual violence stay without any medical assistance. The number

of mental health symptoms is immense and constantly deteriorating. *Médecins Sans Frontières* found that many migrants are already survivors of severe torture and sexual violence on arrival but are not diagnosed as such. An increasing number of people suffer from depression, anxiety and post-traumatic stress disorders after being trapped on the island for months.¹ Increasingly, in their desperation, many people seriously cut themselves and try to commit suicide. As *Save the Children* reports there are also children among them.² An asylum seeker living in Moria explains the situation:

“Moria is a place where you cannot do anything and where you know nothing about your future. People decide and think for you: It is decided what you eat, where you sleep, what you say and when you are deported. Most of us who arrived here were physically and mentally healthy and strong. But after two or three months, the conditions in this camp make us sick, many people get mental problems, they are traumatized. Children are growing up here and watching people injure themselves and imitate it.”

In the terrible living conditions in Moria camp, people even lost their lives. Several times, huge fires broke out in the camp, leaving people without shelter and personal belongings. In October 2016, a woman and a young girl died when a gas cooker exploded and their tent caught fire. In winter, at least three more people died in soaked and snow covered tents.

To the current day, many people who came to Europe seeking protection are still detained: In 2016 in Greece alone, 4,072 asylum seekers were officially detained under highly precarious conditions and 21,566 arrest warrants were issued for migrants, 84% of them after the EU-Turkey deal.³ After arrival in Moria camp, border-crossers irregularly entering the European Union can be held for 25 days behind barbed wire in Moria's first reception centre. For a long time, children used to be detained for an even longer period, which was justified as “protective custody”. Moreover, some people are simply arrested again after their release from the detention in the registration process, because they are considered “trouble makers” by the police – e.g. when they are blamed for theft or violent behaviour⁴. This “definition” is frequently misused for people participating in demonstrations, making the detention process arbitrary.⁵ Protests are often violently suppressed by the police. Videos are showing police aggressively throwing stones at people who were peacefully protesting in front of the European Asylum Support Office in Moria, also kicking and hitting asylum seekers already lying on the ground with sticks. In the protest, many people were arrested on the basis of racial profiling and were facing exaggerated criminal charges. Almost all of them were black and some were arrested although they had not participated in the peaceful protests.⁶ As lawyers report, other asylum seekers are detained

1 MSF (2017): A dramatic deterioration for asylum seekers on Lesbos. July 2017. http://www.msf.org/sites/msf.org/files/msf_lesbos_vulnerability_report1.pdf

2 Save the Children (2017): A Tide of Self-Harm and Depression. The EU-Turkey Deal's devastating impact on child refugees and migrants. http://www.savethechildren.de/fileadmin/Berichte_Reports/Report_EU_Turkey_deal__A_tide_of_self-harm_and_depression_March2017.pdf

3 AIDA (Asylum Information Data Base) (2016): Country Report: Greece. 31.12.2016. http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2016update.pdf, AIDA: The detention of asylum seekers in Europe. Constructed on shaky ground? https://www.ecre.org/wp-content/uploads/2017/06/AIDA-Brief_Detention-1.pdf

4 Hellenic Republic Ministry of Interior and Administrative Reconstruction et al (2016): Circular: Management of undocumented aliens in the Reception and Identification Centers (C.R.I.) <https://www.synigoros.gr/resources/docs/egkyklios-elas-ths-18-6-2016.pdf>

5 Legal Centre Lesbos (2017h): Free the Moria 35. 30.07.2017. <http://www.legalcentrelesbos.org/2017/07/30/free-the-moria-35/>

6 NBK (No Border Kitchen Lesvos) (2017): 30.07.2017. Deportation, self-harm and police violence: how the EU is condemning refugees to death. <https://noborderkitchenlesvos.noblogs.org/post/2017/07/30/749/>, The Intercept (2017): Video: Refugees seeking asylum in Europe are instead arrested and beaten by police in Lesbos. 09.08.2017. <https://theintercept.com/2017/08/09/asylum-seekers-face-police-violence-lesbos-greece-moria-camp/>

simply on basis of their nationalities. Migrants coming from the Maghreb states, Pakistan, Sri Lanka and Bangladesh are – according to a police circular – sweepingly considered as “aliens with an economic profile” and arbitrarily detained in the frame of a pilot project during their whole asylum procedure. The coordinator of the Legal Centre Lesbos reported in autumn 2016:

“Within the pilot project, it is possible to put people in a fast procedure when the government believes that their asylum claim is unfounded – which is legal. But what they do is keeping people detained during this procedure which is arbitrary. They could only be detained if the government for example proved they are at flight risk. But this has to be assessed individually and cannot be done by nationality. You cannot detain people based on nationality; that is basic non-discrimination law.”

Migrants are also exposed to violence when walking the roads of Lesbos, when they are randomly stopped based on racial profiling and their documents are checked. A young man for example reported:

“The police came with three cars and stopped me. They asked for my papers. I showed them and they gave them back to me. Then they forced me to undress. I had to take off all my clothes and was only in underwear. I was very cold and they forced me to stand there for about two or three hours. They looked at me and laughed. Then they told me to dress and they hit me and kicked me with their boots in the back and on the legs.”

Ariel Ricker from Advocates Abroad has documented a number of similar reports from people who were abused in camps, the police station or on the open streets and forwarded them to the Greek Ombudsman’s office. However, it remains difficult to successfully challenge the large extend of police violence on the Greek islands.

Inadmissible: Reducing the chances for asylum

As one of the consequences of the joint EU-Turkey declaration, the new asylum law 4375/2016 has been introduced, inscribing relevant EU norms into Greek law and establishing a separate fast-track border procedure for the Greek islands only. People examined under the fast-track border procedure are not allowed to leave the islands for the entire duration of their procedure.

The most important change was the introduction of a so-called admissibility check before the actual eligibility interview where the asylum claims are examined. The admissibility interview is an interim step, introduced with the intention to hinder people to receive a protection status in the European Union. Instead of examining whether an asylum seeker has been persecuted in his or her country of origin, the interview only focusses on the formal question, whether Turkey – as a country that immigrants have crossed on their route – can be considered as ‘safe third country’ or ‘country of first asylum’. If the answer is positive, the respective person is then returned to Turkey without any consideration of their actual asylum claim. Therefore, also people with perfectly valid asylum claims are sent back to Turkey, where there are indications that likelihood of their claim being examined is very low, especially for non-Syrians.⁷

In 2016, only Syrians had to undergo the admissibility procedure, but in 2017 a change was introduced obligating all asylum seekers from a nationality with an average recognition rate for international protection of more than 25% to also participate in an admissibility interview. Furthermore, lawyers

7 Alpes, Jill; Tunaboylu, Sevda: The EU-Turkey deal: what happens to people who return to Turkey? Forced Migration Review. February 2017. <http://www.fmreview.org/resettlement/tunaboylu-alpes.html>

reported that in some cases, even asylum seekers who should be categorized as vulnerable or part of the Dublin III family reunification program have been put through an admissibility interview despite the fact that Article 60 L 4375/2016 clearly states they should be exempted from the fast-track border procedure.

The admissibility and asylum interviews are conducted by the *Hellenic Asylum Service* or *European Asylum Support Offices* (EASO). Asylum seekers report that during the interviews, they are being repeatedly asked the same questions for hours, subjecting them to a high stress level and in some cases making it impossible for them to adequately present their grounds for requesting asylum. Ariel Ricker, director of Advocates Abroad stated: *“What we have seen is that an interview can run for eight hours and only produce a five page transcript which we consider concerning for the information that may or may not have been included in the transcript.”*

In multiple instances, interviews have been postponed several times and the affected person left in a state of limbo. Both EASO and the Hellenic Asylum Service have repeatedly been strongly criticized for their interview practice. In a joint agency briefing, NGOs criticized EASO for a lack of understanding of the asylum procedure, the basics of armed conflict in Syria and political dynamics in Turkey and a lack of cultural sensitivity. In this light they are concerned about the absence of a reliable monitoring system of the interview conduct.⁸

The European Centre for Constitutional and Human Rights concluded from their analysis:

“The conduct of interviews by EASO officials fails to respect core standards of fairness. (...) In sum, the interviews consistently fail to consider the individual experiences and vulnerabilities of the applicants. (...) Given that an inadmissibility decision provides the legal ground for returning an applicant to Turkey, the denial of a fair hearing risks breaching the non-refoulement principle.”⁹

Similar to EASO, interview transcripts from the Greek Asylum service reveal serious shortcomings. Lorraine Leete, coordinator of the Legal Centre Lesbos, reports:

“We have seen that the Greek Asylum Service relied on Wikipedia for making decisions. For one of our clients they claimed they could not find his village in Google Maps although it was just a spelling mistake. They use those really minor things to deny people refugee status.”

In addition, most asylum seekers have no legal assistance and are not sufficiently informed about the asylum procedure, how they can prepare for the interviews and what evidence they need to present in order to get refugee status. Therefore, it is no surprise that the number of rejections in admissibility and asylum interviews in Greece is very high: In 2016, 70.9% of asylum requests in Greece were rejected in first instance and a total number of 1,323 asylum claims was declared inadmissible; a rejection on admissibility grounds of all asylum seekers examined who were not classified either as vulnerable or case of the Dublin III family reunification.¹⁰

For a few months following the introduction of the new asylum law, the assumption that Turkey could be considered a “safe third country” was strongly challenged by Greek Appeal Committees who revised the first instance in 97.9% of cases. In other words, Turkey was not considered safe in almost 100% of

8 IRC, NRC, Oxfam (2017): Joint Agency Briefing Note. The Reality of the EU-Turkey Statement, 17.03.2017. <https://www.oxfam.org/sites/www.oxfam.org/files/bn-eu-turkey-statement-migration-170317-en.pdf>

9 ECCHR (2017) Case Report. EASO’s influence on inadmissibility decisions exceeds the agency’s competence and disregards fundamental rights. April 2017. <https://www.ecchr.eu/en/international-crimes-and-accountability/migration/greek-hotspots/articles/international-crimes-and-accountability-migration-greek-hotspots.html>

10 AIDA (Asylum Information Data Base) (2016): Country Report: Greece. 31.12.2016. P.8 and 61f. http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2016update.pdf, AIDA: The detention of asylum seekers in Europe. Constructed on shaky ground? https://www.ecre.org/wp-content/uploads/2017/06/AIDA-Brief_Detention-1.pdf

cases. However, under pressure of the European Union, new so-called “Independent Appeals Committees” were introduced and the appeals success rate dropped to 0.4%.¹¹

Out of sight, out of mind – Externalizing the responsibility

When an asylum claim is rejected or declared inadmissible, in most cases, the respective persons are arrested without warning and will be held in detention until they are either returned to Turkey or deported to their home countries.

Despite the declared goal of returning all asylum seekers arriving after 20th of March on the Greek islands to Turkey, there are still more people arriving than people returned.¹² This is not only due to administrative shortcomings but also because of an ongoing judicial struggle about the lawfulness of sending people back to Turkey. Between March 20th 2016 and August 11th 2017, 1,895 migrants were sent to Turkey while in the same period not the intended 72,000 but only 8,533 migrants were relocated into the European Union.¹³ Most decisions about admissibility checks especially for non-Syrians are still pending. If they will be considered inadmissible, this might finally open the door for mass-returns – even although it has been found that after their returns to Turkey, all non-Syrians are detained in repatriation centres and most of them eventually deported back to their home countries, where some will again be detained. Only Syrians can be granted a temporary protection status in Turkey, while all other nationalities in practice often do not have the possibility to apply for a protection status.¹⁴

Asylum seekers held on Lesbos Island waiting for the examination of their asylum applications are kept in a desperate state of limbo. They can only hope for the increasingly unlikely event of being finally accepted for a status of international protection or instead wait for being deported back to Turkey or to their countries of origin.

Under those conditions of hopelessness and despair, a rising number of people decide to give up their right to seek international protection and instead “voluntarily return” to their home countries, even if they are going back to persecution. For “participating” in the return programme of the *International Organization of Migration (IOM)*, they have to sign a paper stating “*I agree, for myself, as well as for my dependants, heirs and estate that in the event of personal injury or death during and/or after my participation in the IOM project, neither IOM, nor any other participating agency or government can in*

11 AIDA (Asylum Information Data Base) (2016): Country Report: Greece. 31.12.2016.: 41f.
http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2016update.pdf

12 European Commission (2017): Report from the Commission to the European Parliament, the European Council and the Council. Sixth Report on the Progress made in the implementation of the EU-Turkey Statement. Brussels, 16.06.2017. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/170613_6th_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf

13 European Commission (2017a): Operational implementation of the EU-Turkey Statement. 16.08.2017. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_eu-turkey_en.pdf

14 Alpes, Jill; Tunaboylu, Sevda: The EU-Turkey deal: what happens to people who return to Turkey? Forced Migration Review. February 2017. <http://www.fmreview.org/resettlement/tunaboylu-alpes.html>, Hänsel, Valeria (2017): „Free us or be responsible for our death“. Harek(at)Act. 12.07.2017. http://harekact.bordermonitoring.eu/2017/07/12/free-us-or-be-responsible-for-our-deaths/#_ftn6, Pro Asyl (2016): Bericht zum EU-Türkei Deal: Bietet die Türkei wirklich einen effektiven Zugang zum Asyl? 17.05.2016 <https://www.proasyl.de/news/bericht-zum-eu-tuerkei-deal-bietet-die-tuerkei-wirklich-einen-effektiven-zugang-zum-asyl/>

any way be held liable or responsible.” Afterwards, the respective persons are arrested and detained in Greek pre-removal centres. When returned to their countries, they can only hope that they do not have to continue the non-ending journey behind prison walls – if so, no one is held responsible for their fate.

Other asylum seekers try to escape the life behind barbed wire in Moria through squatting buildings outside of Moria camp, favouring to live autonomously, even if they might be quickly arrested. Many migrants also decide to take the risk to go on protest marches. For a long time, each Saturday, there was a big demonstration in Mytilene town during which asylum seekers were actively defending and demanding the respect of their human rights. Currently, demonstrations also included frequently blocking the port or the entrance of Moria camp to stop deportations. Some refugee human rights activists also went on hunger strikes, claiming they will rather die than being sent back to imprisonment in Turkey or in their home countries. For the police, it will remain a difficult task to suppress the protests of migrants who have nothing more to lose and will not stop fighting for their right to freedom of movement.¹⁵

In parallel and increasingly so, particularly since the EU-Turkey deal, the European Union keeps externalizing the responsibility for granting international protection, banning people to islands on the edge of Europe, to Turkey and elsewhere.

On Lesbos, people seeking protection are held in a desperate state of limbo for more than a year, hoping for their minimal chances to find protection and safety in the European Union. Many of them suffer from diseases caused by the precarious living conditions and serious mental health symptoms. They know that the EU does not intend to help them: Since the mechanism of declaring asylum applications inadmissible was introduced as consequence of the EU-Turkey deal, asylum seekers can ‘simply’ be deported to Turkey without having even examined their asylum claim, turning a blind eye on their fate. So, the “refugee crisis” is solved: *“All is well that ends well”*.

15 Hänsel, Valeria (2017): „Free us or be responsible for our death“. Harek(at)Act. 12.07.2017. http://harekact.bordermonitoring.eu/2017/07/12/free-us-or-be-responsible-for-our-deaths/#_ftn6