



30th November 2021

To:

Notis Mitarachis, Minister of Migration and Asylum
Manos Logothetis, General Secretariat for Reception of Asylum Seekers
Ylva Johansson, EU Commissioner for Home Affairs
Stanley Nooitmeer, EU representative on Samos

Subject: Inquiry about the Ministerial Order of Detention in the Closed Controlled Access Centre (CCAC) in Samos

The co-signed organisations and civil society groups present in Samos wish to raise concerns about the restrictions implemented in the camp over the last two weeks, whereby camp residents who do not have a valid asylum applicant card have not been allowed to exit the camp.

This rule is impacting: (i) people who have registered at the Samos CCAC for the first time and are yet to receive a valid asylum applicant card, hence are detained for an unspecified period often due to long administrative procedures; (ii) people who have received negative decisions to their asylum claim.

As of 30/11, there has not been a ministerial circular published regarding the decision to implement new entry and exit restrictions as of Tuesday 16th November 2021. These severe restrictions raise real concerns as they compromise the freedom of movement of approximately half of the current camp population.

This is particularly worrying given that in Kos, detention has become the standard reception practice, thus setting a dangerous precedent for the arbitrary detention of camp residents to be replicated in facilities across Greece.

Regarding the current situation and context in Samos, the detention of people claiming asylum does not seem to be grounded on any legal basis. To the organisations signing this letter, there is a collective understanding that people have and are continuing to be detained for no legitimate nor legally standing reason.

As a consequence of the raised concerns, 12 organisations and civil society groups demand that the Ministry of Migration and Asylum:

- In the absence of a public decision from the Ministry, an immediate lift to the restrictions on entry and exit for people without a valid asylum applicant card
- Publish a statement from the Ministry giving legally grounding evidence to their recent decision to detain people without a valid asylum applicant card inside the camp.

Co-signed organisations

1. Avocats sans Frontières France
2. Europe Must Act
3. Glocal Roots
4. Human Rights Legal Project
5. I Have Rights
6. Just Action
7. Project Armonia
8. Samos Advocacy Collective
9. Samos LGBTQI+ Group
10. Samos Volunteers
11. Selfm.aid
12. Still I Rise



9th December 2021

To:

Notis Mitarachis, Minister of Migration and Asylum
Manos Logothetis, General Secretariat for Reception of Asylum Seekers
Ylva Johansson, EU Commissioner for Home Affairs
Stanley Nooitmeer, EU representative on Samos

Subject: Follow Up Inquiry about the Ministerial Order of Detention in the Closed Controlled Access Centre (C.C.A.C.) in Samos

Last week, 12 organisations and civil society groups sent a letter raising concerns about the restrictions implemented in the C.C.A.C. in Samos. We have now entered the **third week** in which camp residents who do not have a valid asylum applicant card have not been allowed to exit the camp.

As of 9th December 2021, there has still been no ministerial circular published regarding the decision to implement new entry and exit restrictions since Tuesday 16th November 2021. The lengthening of time in which these restrictions are arbitrarily detaining people in the C.C.A.C. is increasingly concerning and constitutes a violation of human rights and freedom of movement.

This rule is impacting: (i) people who have registered at the Samos C.C.A.C. for the first time and are yet to receive a valid asylum applicant card, hence are detained for an unspecified period often due to long administrative procedures; (ii) people who have received negative decisions to their asylum claim.

We have received many messages testifying that the implemented entry/exit restrictions are severely impacting people's mental health.

"I'm not feeling well today at all, I'm worried that we will be imprisoned here."

"(...) we no longer feel anything and we no longer have the energy to bear it, where is the European Union in all this?"

The 16 co-signed organisations and civil society groups request the Ministry of Migration and Asylum:

- To immediately lift the restrictions on entry and exit for people without a valid asylum applicant card in the absence of a public decision from the Ministry.

To the organisations signing this letter, there is a collective understanding that people have and are continuing to be detained for no legitimate nor legally standing reason. De facto arbitrary detention is being imposed on people on the move in other locations, for instance in Kos, raising increasing concerns about the future replication of similar measures across Greece.

This arbitrary detention of those claiming asylum must be addressed and stopped by the competent authorities immediately.

Co-signed organisations

1. Avocats sans Frontières France
2. Changemakers Lab
3. ECHO100PLUS
4. Europe Must Act
5. Glocal Roots
6. Human Rights Legal Project
7. I Have Rights
8. Just Action
9. Lesvos Solidarity
10. Refugee Legal Support
11. Project Armonia
12. Samos Advocacy Collective
13. Samos LGBTQI+ Group
14. Samos Volunteers
15. Selfm.aid
16. Still I Rise



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

Deputy Director-General,
Head of the Task Force Migration Management

Brussels,
HOME.C.4/

Dear representatives of the Samos Advocacy Collective,

Thank you for e-mail to the European Commission concerning the restriction of movement of residents in the Multi-Purpose Reception and Identification Centre (MPRIC) of Samos.

Asylum seekers residing in the MPRIC are being provided with access cards that regulate their entry and exit from the facility. At the same time, persons without an asylum seeker status (i.e. persons with a negative decision at second instance and beneficiaries of international protection) have indeed restricted access to the MPRIC.

Restrictions of movement should meet the requirements of legality, necessity and proportionality, and be non-discriminatory. The administrative decision by the Ministry for Migration allows migrants with second instance negative decisions and recognised refugees to leave the facility in Samos. However, as they do not possess an entry/exit card, once they leave, they are not allowed to get back in the facility which is meant to accommodate asylum seekers.

The Commission supports financially an assisted voluntary return programme with IOM which includes reintegration measures in the country of origin. Equally it finances the HELIOS programme, intended to give beneficiaries with international protection access to accommodation and employability help, also through IOM. The Commission has asked IOM to reach out again to migrants concerned on Samos. We would appreciate if you could also explain to people concerned these very concrete possibilities of support.

The Commission is closely monitoring the situation on the ground and will continue to address the matter with the competent Greek authorities.

Yours sincerely,

(e-signed)

Beate GMINDER



3rd January 2022

Dear Deputy Director-General Beate Gminder,

Thank you for your response to our concerns regarding the restriction of movement of residents in the Closed Controlled Access Centre (C.C.A.C.) in Samos.

We are reassured by the commitment of the EU Commission to closely monitor the situation in Samos and address the matter with the Greek authorities. We trust your suggestion that an appeal for stronger involvement from IOM might lead to positive changes for the affected individuals. We understand that the issue lies with the provision of access cards that allows individuals to enter and exit the camp, and that those no longer in the asylum process have such cards taken away from them — hence having restricted access to the C.C.A.C.

IOM AVRR Programme

However, we must highlight that IOM [does not support](#) voluntary returns to Syria and Afghanistan at present. According to the latest UNHCR statistics, approximately 7% of asylum seekers on Samos are Syrian and 14% of asylum seekers on Samos are Afghan. Asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh and Somalia (33%) most often receive a rejection to their asylum claim as Turkey is designated as a 'safe third country' (as stipulated in the 2016 [EU-Turkey Deal](#) and subsequently in the [Joint Ministerial Decision](#) by the Greek Ministry of Foreign Affairs and the Ministry of Migration and Asylum published on the 7th June 2021). We believe that currently there are approximately 50 people living in the C.C.A.C. with more than one rejection. However, Turkey has not been receiving people who are to be deported from Greece, as agreed in the EU-Turkey deal, since at least March 2020.

HELIOS Programme

The suggested reliance on the HELIOS programme as a realistic possibility of support is undermined by its evident inaccessibility. Firstly, the two groups of people currently impacted by the ongoing restrictions, for which we explicitly raised concern in our letter, are not eligible applicants for the programme. Once again, these are individuals who have just registered at the Samos C.C.A.C. for the first time and are yet to receive a valid asylum applicant card as well as people who have received negative decisions to their asylum claim.

Secondly, even for those who are recognised beneficiaries of international protection — and hence would be formally entitled to this support — the HELIOS programme remains difficult to access. This is not only due to the reduced personnel and outreach capacity of IOM on the island, but for restrictive access criteria, ineffective information campaigns, and structural barriers that require applicants to already possess a nuanced understanding of Greek bureaucracy. Such issues and many others were recently documented by Mobile Info Team as part of their [input by civil society to the EASO 2021 Asylum Report](#).

Furthermore, it is important to stress that it is the responsibility of IOM to promote their own programmes, not for NGOs and activists who strongly believe that alternative pathways of support should be available to the community.

Unlawful Detention

As [made public by the Greek Council for Refugees](#), the Administrative Court of First Instance of Syros already ruled unlawful the measure of prohibiting the exit of an Afghan asylum seeker, with a pending subsequent application, from leaving the Samos C.C.A.C. In fact, the absence of an exceptional decision of the relevant Police Director to further restrict the freedom of movement of asylum applicants (a measure permissible only for a given number of reasons, as per L.4636/2019 art. 46) is considered unlawful detention. To further highlight this unwarranted detention, nine people who had received rejections to their asylum claim and had not yet filed a subsequent application were arrested in the early hours of the morning on the 13th December 2021 and detained in the police station without an official notice of detention. We have testimonies from the detainees experiencing racism and abuse from police officers during the arrest.

'A Broken System'

In addition to the above-mentioned facts, the concerned individuals are unable to see their right to asylum granted in Greece, be deported back to Turkey or voluntarily return to their home country if they are from Syria or Afghanistan. Furthermore, those who have received a rejection to their subsequent asylum application and wish to file a second subsequent asylum application are unable to do so owing to the unexplained absence of the system to collect the related administrative fees. Such individuals are indefinitely 'out' of the asylum system as the current situation stands and are affected by the ongoing entry and exit restrictions, as well as unable to work, claim cash assistance or access essential services and the HELIOS programme.

If, as stipulated in your letter, people were to leave the camp and not be allowed to re-enter, such individuals would be left without any state support, indefinitely stuck on the island and unable to start their official 18 months of detention as the PROKEKA is not yet operational on Samos. The cumulative result of all of this on the concerned individuals is unwarranted and indefinite detention, the worrying neglect of basic civil liberties and a real lack of accessible alternative solutions or support from the state and the EU. In other words, the system for the concerned individuals on Samos, who are currently unable to leave the C.C.A.C., is broken.

As a result of hostile migration policies and lack of accessible structural support for individuals in various stages of the asylum process, we are at present witnessing circumstances where restrictions of movement do not meet the requirements of legality, necessity or proportionality, and do in fact perpetuate discrimination.

We, therefore, reaffirm our previous request for clarification of the *legal* basis upon which the movement of residents without a valid asylum applicant card living in the EU-funded C.C.A.C. has been restricted since 30th November 2021. As requested in our initial letter, we ask for an immediate lift to the restriction on entry and exit for people without a valid asylum applicant card in the absence of a clearly identified legal framework to enact such measures.

We are very grateful for your reply and look forward to discussing the ongoing situation with you further.

Yours sincerely,
Samos Advocacy Collective



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

Deputy Director-General,
Head of the Task Force Migration Management

Brussels
HOME.C.3/AMR

Dear representatives of the Samos Advocacy Collective,

I hereby refer to your emails of 3 and 18 January 2022, which follow your initial email of 9 December 2021 and our response thereto dated 17 December 2021 (Ares(2021)7834199) concerning entry/access cards for the Samos Multi-Purpose Reception and Identification Centre (MPRIC).

You raise additional points in your letter of 3 January 2022, which go back to your initial concerns.

With regard to your allegation of detention and undue restriction of movement, I wish to reiterate that the MPRIC on Samos is primarily destined for asylum applicants. Indeed, under the Reception Conditions Directive, the Greek authorities are under an obligation to provide material reception conditions to asylum applicants only. The status of beneficiaries of international protection and rejected applicants are detailed in other instruments (notably the Qualification Directive and the Return Directive), and provide for different rights and obligations. Currently, the number of migrants who are not entitled to entry-exit cards is rather low, while solutions are implemented on the ground. Observations show that the decision of the Ministry of Migration and Asylum to allow every resident to exit freely the centre is implemented and thus people are not detained. However, these persons do not have the possibility to re-enter in case they do not have an entry-exit card. Beneficiaries of international protection are allowed to stay in the MPRIC 30 days after the notification of the positive asylum decision and benefit from access to the HELIOS programme. Persons with a second instance rejection have to be issued with a return decision and have the option of voluntary return.

Under different headings of your letter you raise the issue of applicants who have been deemed inadmissible under the Joint Ministerial Decision of June 2021 (declaring Turkey as a safe third country for applicants of 5 specific nationalities) – to be distinguished from asylum applicants whose applications have been rejected on the merits. Where the former are declared inadmissible, they have the possibility to submit a subsequent application, and to the extent they have not been readmitted to Turkey, these applicants may request that their application be considered on the merits, in accordance with Article 38(4) of the Asylum Procedures Directive.

You raised concerns also with regard to the missing system to collect the administrative fees for subsequent applications. However, it is our understanding that the Joint Ministerial Decision allowing for its implementation was adopted mid December 2021, and that pending second subsequent applications can now be submitted and processed by the authorities. Apart from that, let me underline that the Commission has raised the question of a fee for second subsequent applications with the competent authorities.

The Commission has noted the public reports you refer to in your letter. Concerning the HELIOS programme, I am afraid I do not share your concerns over its accessibility. HELIOS was designed to be a programme for beneficiaries of international protection only. IOM is actively reaching out to eligible candidates on the islands and operates an easily accessible, dedicated [website](#) together with support lines on social media and online messaging services.

Concerning your letter of 18 January 2022, you indicate you wish to disclose your letter of 3 January 2022. This letter reflects your views and is your decision to share it, which does not require the Commission's consent. In case of the disclosure of your letter, we invite you to make our reply public as well for reasons of complementarity and comprehensiveness.

Yours faithfully,

[e-signed]

Beate GMINDER