



EQUAL LEGAL AID

ANNUAL REPORT 2022

Table of contents

Edito	3
2022 key facts	4
The context of our action	7
Our impact in 2022	10
Legal assistance to the exiles	11
Our beneficiaries	20
Immersion into our action	21
Outreach activities	25
ELA's territorial anchorage	28
Highlights of 2022	29
Advocacy and awareness	30
Trainings	34
ELA's team	35
Financial situation in 2022	36
Financial report	37
Costs distribution	38



EDITO

Writing this report, I have been torn between pride in the work done this year and despondancy at the inexorable decline of the right to asylum in Greece and in Europe. For it has been a particularly busy year, full of good news, with many positive decisions in asylum cases supported by our team. The team has consolidated around a core group of 7 permanent staff, supported throughout the year by dedicated volunteers.

But this year has also been challenging, sadly highlighting a two-tier asylum system, based on origin. We have also been disarmed by the conservative movements working to undermine human rights, and shaken by the relentless state-sponsored violence, by an extremely aggressive policy of deterrence, the scale and damage of which is difficult to describe in a few words (hence the length of this report). It is a pernicious policy which combines institutional violence, repression, propaganda and criminalisation, and which seeks to destroy, one by one, all the acquis and guarantees which we thought were immutable. If we are not vigilant, the walls of this fortress Europe, hastily built on all frontiers, will be unbreakable.

Tiny but determined, we continue to defend the right to asylum with tenacity. Our mere presence at the gates of Europe becomes an act of activism. We leave more political areas to others and concentrate on the essential: informing, defending and representing our beneficiaries in their quest for protection and safety. We are very grateful to all our supporters, be they our sponsors, our partners or our donors, without whom our work would be impossible.

2022 key facts

In Greece and Europe

Asylum

February 15th, 2022

The list of safe countries of origin is updated by joint ministerial decision to include Egypt, Nepal, and Benin. At the same time, Ghana, Senegal, Togo, Gambia, Morocco, Algeria, Tunisia, Albania, Georgia, Ukraine, India, Armenia, Pakistan, and Bangladesh retain their status as safe countries of origin. This brings the total number on the list of safe countries of origin to seventeen. In principle, a person from a so-called safe country of origin is presumed to have an unfounded claim for asylum unless proven otherwise. In addition, the asylum process is subject to delays to the detriment of the asylum seeker.

February 22nd, 2022

The Greek government announces a reduction in the number of housing places available under the ESTIA II program as of April 16, 2022. Places will be limited to 10,000 out of the 27,000 available in 2021, with the aim of closing the program by the end of 2022. As a reminder, the ESTIA II program was originally set up by the European Union under the leadership of the UNHCR to provide housing in urban areas to vulnerable asylum seekers. The aim was to give these people easier access to medical and psychosocial care and to promote their integration into Greek society.

April 26th, 2022

The UN Human Rights Council publishes a report on human rights violations at borders (to which ELA contributed), which examines recent developments in migration and border management and their impact on the human rights of migrants. **The Rapporteur deplores the pernicious tendency to legitimise push-backs at borders and criticises the generalisation of the concept of safe third countries.** Finally, he expresses concern about "the significant increase in the number of people prevented from entering Greek territory as part of the declared strategy of the authorities".

June 10th 2022

The Greek Parliament adopts Law 4939/2022 codifying the legislation on reception, international and subsidiary protection regimes. Presented as a mere codification of established law, the law was subject to an accelerated adoption procedure without a thorough and public examination of its provisions. However, it introduces significant changes to the current legal framework. The accelerated adoption of this law without public debate has been denounced by many legal experts and migrants' rights defenders, as well as by Greek civil society actors.

July 13th 2022

In November 2021, the Ministry of Migration had adopted two circulars requiring asylum seekers to physically reach one of the five reception and identification centers in Greece and abolishing the pre-registration of asylum applications on the Skype application, which had existed since 2016. As a result of this measure, it was almost impossible to file an asylum application in mainland Greece for 8 months. Finally, in July 2022, a platform was put online that allows asylum seekers to pre-register their application and receive an appointment to register their application in the camps of Malakasa (near Athens) and Diavata (near Thessaloniki). Since the launch of the platform, numerous malfunctions have been reported by organizations defending exiles, denouncing a persistent and deliberate material impossibility to register asylum applications.

September 1st, 2022

Part of the camps of Malakasa (near Athens) and Diavata (near Thessaloniki) is officially transformed into a closed reception and identification center (RIC) for asylum seekers. Asylum seekers can be detained there for 25 days in order to register their asylum application. The operation of these two new centers is still unclear at the time of writing.

December 1st, 2022

The ESTIA II accommodation program is permanently shut down. All vulnerable persons who were eligible for the program (i.e., with an asylum application pending in the first instance) are transferred to refugee camps at the discretion of the authorities. Vulnerable persons who are no longer eligible for the program are evicted from their homes without alternative housing option. The final closure of the program has been unanimously condemned by civil society actors, as it has forced thousands of vulnerable people onto the streets¹

Frontex

On April 28, 2022, Fabrice Leggeri, Director of the European border protection agency, Frontex, resigned after numerous European newspapers revealed the agency's questionable practices under his leadership. In addition to these criticisms, the EU's anti-fraud office has launched an investigation into cases of illegal refoulements at the borders. The investigation reveals that Frontex was involved in the refoulement of "at least 957 asylum seekers in the Aegean Sea between March 2020 and September 2021" which it ignored. Thus, Frontex has allowed national authorities to carry out illegal pushbacks in violation of international and European law.

This resignation comes in the context of the strengthening and militarization of the European Border Agency, whose budget has increased considerably, from 143 to 543 million euros between 2015 and 2021. With 900 million budget in 2022, Frontex is the best-funded European agency. The agency's staff is expected to reach 10,000 by 2027.

On October 18, the European Parliament refused to approve the agency's budget for 2020.

1. Efsyn, December, 24th 2022, "Refugees left without a home without ESTIA" ; "Planned Homelessness: the ending of the ESTIA II programme in Greece", by Leonie Passler.

The case of the 38 in Evros

July - August 2022

The NGOs Greek Council for Refugees and Human Rights 360 are alerted that a group of fifty Syrians are in distress on one of the islands of the Evros River that forms the border with Türkiye. On July 20, 2022 and again on August 9, 2022, the European Court of Human Rights (ECHR) ordered the Greek state to rescue them. The authorities claim to be unable to locate the group. During this time, the group, still blocked in Evros, stated that they had been pushed back several times on both sides of the Greek-Turkish border. During one of these pushbacks, two of the exiles would have drowned, according to the group's testimonies. Finally, on August 15, 2022, the group was "rescued" by the Greek authorities, later claiming that a 5-year-old girl had died of a scorpion bite. The case stirred emotions in the Greek and international media, with the girl's presumed death attributed to the authorities' inaction. In their defense, the authorities first claimed that the island where the survivors were located was actually Turkish territory, a claim that has since been disproved by topographical surveys of the area. Then they denied the girl's existence and accused journalists, media and NGOs of spreading fake news.

Septembre 2022

An investigation is opened at the Orestyada prosecutor's office. The lawyer of the parents of the alleged victim, who works for the Greek NGO Human Rights 360, is prevented from meeting her clients while they are detained in the Fylakio detention center at the border. In September, the Athens Bar Association protested the treatment of our colleague and issued a press release. At the same time, the survivors of the group still detained in Fylakio denounced the threats and pressure from government officials. These complaints are the subject of a report submitted by their lawyers to the Greek Supreme Court.

Octobre - novembre 2022

The Greek NGO Human Rights 360 is in turmoil: the national anti-money laundering authority is investigating its financial management. Then, in November, the public prosecutor's office opened an investigation. The NGO believes it is the victim of a "witch hunt" launched by the authorities against NGOs that denounce illegal pushbacks. The victim's family has requested the exhumation of their daughter's body (the existence of which is still disputed), but they will have to wait for the river level to drop and for the islands to be accessible again.

The criminalization of solidarity

December 2022

Panagiotis Dimitras, director of the Greek Helsinki Monitor, an NGO that monitors human rights violations in Greece, and Tommy Olsen, founder and director of the NGO Aegean Boat Report, which denounces illegal pushbacks in the Aegean Sea, were indicted. They are accused of leading criminal organizations that facilitate the illegal entry and stay of migrants. The [Greek Helsinki Monitor](#) has previously documented and initiated legal action in a large number of cases of illegal push-backs. The case is currently under investigation. In the meantime, Dimitras has been banned from participating in the activities of the Greek Helsinki Monitor, of which he is a founding member. Other members of the NGO Aegean Boat Report were arrested in July 2021 on charges of human trafficking and espionage. Civil society denounces a [witch hunt](#) by the Greek government against human rights defenders.

The context of our action

Equal Legal Aid operates in the area of northern Greece. This includes the regions of Thessaly, Thrace and Central Macedonia. ELA is based in Thessaloniki, the administrative capital of Central Macedonia, for reasons of convenience and because this is where most of the legal needs are concentrated. Thessaloniki's central location makes it easy to reach the 12 refugee camps in the area.



Greece - a gateway to Europe

Due to its geographical location, Greece is one of **the main gateways to Europe** for people seeking protection. According to the Dublin Regulation (which deals with asylum procedures throughout the European Union), an asylum application can only be examined by one European country. In principle, this is the first European country an asylum seeker enters, i.e. Greece.

Arrivals in Greece have been on the decline overall since 2020, with a total of 18,780 arrivals in 2022.² This is due to several factors: the epidemic and the highly hostile environment that Greece has been experiencing since 2019, the year of the election of the current government, led by the New Democracy party. **Illegal refoulements at the Greek borders**, previously a state secret, are now the foundation of the Greek government's deterrence policy. The government has boasted that in 2022 it has refouled more than 260,000 people in almost institutionalised operations of rare violence.³ These well-documented illegal refoulements are relentlessly denounced by civil society actors⁴ and regularly covered by the international press⁵. The involvement of the European border protection agency, FRONTEX, in these illegal practices, revealed by an investigation by the EU's anti-fraud office (OLAF), has provoked strong reactions at EU level, particularly in the European Parliament.⁶

Despite mass refoulements at the borders, Greece remains in pole position as one of the leading receiving

countries in Europe. It continues to register large numbers of applications for asylum: 37,362 new asylum applications were lodged in Greece in 2022. At the same time, 22,316 applications are still pending at first instance.⁷

Thessaloniki - a crossroads for people on the move

Thessaloniki, the second largest Greek city after Athens, is geographically located on a migratory highway: it is both a transit centre and a bottleneck.

Since 2018, this region has become an important entry point for asylum seekers following the eastern route and crossing the land border with Türkiye, marked by the River Evros. While only 1% of arrivals were recorded at the land border in 2015, according to UNHCR, this figure reaches 34% in 2022.

In addition to these first-time entries, asylum-seekers are also transferred from the islands to the 12 refugee camps in the north of the country. According to the government, 8,316 people have been transferred from the refugee camps of the Islands to those of the mainland in 2022.

Moreover, all northern European destinations envisaged by asylum seekers involve transit through Thessaloniki, the first major urban centre in the region.

2. Source: United Nations High Commissioner for Refugees, [operational data portal](#).

3. Source: [Euronews](#), January 22nd, 2023.

4. Sources: [Border Violence Monitoring Network](#), [Aegean Boat Report](#), [InfoMigrants](#), [European Council on Refugees and Exiles](#).

5. Sources: [Le Monde](#), [Die Spiegel](#), [The Guardian](#), [EuroNews](#).

6. [Le Monde](#), "Green MEPs visit Greek-Turkish border to investigate migrant pushbacks", September 20th, 2022.

7. Source: Greek Ministry of Asylum and Migration, [annual report 2022](#) and [appendix](#).

Conversely, Thessaloniki receives people pushed back from the "buffer states" of Albania, Serbia, North Macedonia and Bulgaria. **Whether by choice or by force, the displaced persons are trapped in a very precarious situation in Thessaloniki and its surroundings.**

Despite the seriousness and urgency of the situation described above, northern Greece suffers from **a structural shortage of legal assistance**. In addition, the local non-profit network has shrunk drastically over the last three years and many projects have collapsed or even disappeared, often due to a lack of resources. Other factors also explain this decline.

A very deteriorated context for intervention

Since 2019, the human rights situation in Greece (and in particular the rights of displaced people and those who defend them) has steadily deteriorated: the New Democracy government is particularly hostile and is multiplying its attacks against displaced people and their defenders. This deterioration has not gone unnoticed by the international community: Greece has been singled out for deteriorating press freedom and downgraded in the World Rule of Law Index.⁸ The UN Special Rapporteur on the human rights of migrants denounced Greece's policy of illegal refoulements in a report published in April.⁹ A few weeks later, the UN Special Rapporteur on the situation of human rights defenders also denounced "the suffocating effect of the Greek government's migration policy on civil society".¹⁰

The year 2022 has been particularly dark, marked by the diptych refoulement/criminalisation. The latter affects both the exiles themselves and human rights activists and defenders, and the accusations are ultimately the same: espionage, human trafficking, criminal organisations. A number of high-profile trials have taken place in Greece this year, most of which have resulted in the dismissal of charges or reduced sentences due to lack of evidence.¹¹

The escalation of institutional and police violence

In addition to the "judicial" offensive, there are coarse

and criminal methods following an obvious purpose: to reduce at all costs migration figures, which the Greek government is always keen to boast about.

All means are being used to achieve this goal, pursued almost surgically by the government: harassment of asylum seekers by the authorities, detention in real dystopian prisons, administrative bullying, large-scale deportations, criminalisation of solidarity and prosecution of activists and defenders of migrants' rights, and finally extreme militarisation of the border with Türkiye and mass illegal refoulements.

Institutional and police violence has reached its peak in Greece and a climate of fear has crept into migrant communities and civil society.

Sharp erosion of the rights of displaced people

Since its election, the government has embarked on a complete dismantling of the existing asylum procedures and protection mechanisms. This year, the government has again taken several key measures in this direction:

- the extension of admissibility procedures and, more generally, a migration policy mostly based on externalisation;¹²
- the suspension of the online asylum application service from November 2021 to July 2022, in direct violation of European and international law;¹³
- the definitive closure of the ESTIA II accommodation programme, which has resulted in the transfer of vulnerable people to isolated camps and the throwing of thousands of recognised refugees or rejected asylum seekers onto the streets in the midst of December.

In addition to these three key measures, there are a myriad of others that are difficult to summarise in a few lines: The multiplication of procedural obstacles, the "monetisation" of the asylum procedure with the creation of all kinds of taxes and procedural fees, the increase in rejection decisions, etc. As a result, we are witnessing a worrying erosion of the rights of exiled people in Greece, which nothing seems to stop, not even the multiple injunctions of the European Court of Human Rights.

8. Source: Reporters Without Borders (RSF), [World Press Freedom Index 2022](#).

9. Source: World Justice Project, [Global Rule of Law Index 2022](#).

10. Source: [United Nations High Commissioner for Refugees](#), July 2022.

11. As examples: [UK Daily, December 9th 2022](#), [InfoMigrants, January 10th 2023](#), [InfoMigrants, Avril 14th 2022](#).

12. See below our dedicated section [page 30](#).

13. [Read the statement issued by the partner association Mobile Info Team on September 2022.](#)

Fewer asylum claims, fewer rights

The government's dismal performance has resulted in very few new asylum applications being registered in Greece in 2022. And for good reason: even if a person crosses the border without being pushed back, it is still necessary to apply for asylum, which is a real challenge. Moreover, successive government reforms have made the assistance of a lawyer indispensable at almost every stage of the procedure, without which the asylum seeker is completely powerless to assert his or her rights. But this is not a given: in addition to the prohibitive cost of hiring a private lawyer for a person without resources, the number of *pro bono* lawyers is insufficient to meet the need.

In this troubled political and social climate, violations are multiplying in a state of widespread indifference. As activists and defenders of the rights of migrants, we are dismayed and powerless to witness an unleashing of violence that affects without distinction newly arrived asylum seekers, registered applicants, recognised refugees, but also their defenders who are silenced by lawsuits. The multiplication of hate speech, anti-NGO propaganda and the criminalisation of solidarity are concrete evidence of the major political and ideological turn that is taking place in Greece and in Europe, making it essential to maintain an international presence to defend human rights and bear witness to the situation on the ground.

When the pilot project was launched in September 2020, the association's aim was to improve the exercise of the right to asylum by providing essential legal services to people in need, as a complement to existing services. Two years later, the situation is clear and frightening: our intervention context has continued to deteriorate and the fundamental right to asylum is no longer guaranteed in Greece.

A broader scope of intervention

Recognising the deterioration of our intervention context, we have shifted our working methods to adapt to changing needs.

This adaptation is taking place at several levels:

- in our human resources, with the recruitment of a third Greek lawyer in February 2022;
- in our finances, with a dedicated budget for litigation costs;
- in our interaction with other legal aid projects and *pro bono* lawyers.

Indeed, strategic litigation seems to be the last resort available to us to ensure that international and European conventions are respected and to protect the rights of exiled people.

ELA in the local context

Since the launch of the pilot project in 2020, ELA has become an important actor in Thessaloniki:

- Firstly, because of its wider scope of intervention: ELA is one of the few structures that does not filter requests for legal assistance by gender, age or sexual orientation. Our association has the widest scope of intervention in the field of asylum in Thessaloniki and intends to maintain it;
- Secondly, thanks to its relatively large and mixed team, composed of both Greek and European lawyers, which gives it adaptability, credibility and seriousness;
- Finally, thanks to its modest size and the diversity of its funding sources. By multiplying its partners and not using public funds, our association hopes to gain resilience while protecting its freedom of action and speech.

These three characteristics make ELA a unique structure in the local landscape of non-profit organisations. This is the association's strategic direction for 2023, which we hope will enable us to defend not only the people we help, but also the spirit and letter of international conventions that are daily breached.

14. Equal Legal Aid published a report on this issue in January 2022: [Access to Legal Aid for Exiles, Northern Greece](#).

OUR IMPACT IN 2022

503



beneficiaries
assisted

361



procedures
undertaken

738



legal consultations
provided

10



lawyers/jurists
on site

154



preparation sessions
for interviews

115



appeals in Greek
appeal authorities
and courts

Our beneficiaries

42 %



are women

64 %



are under 30
(34% of whom
are minors)

29 %



are families

35



nationalities

Legal assistance to the exiles

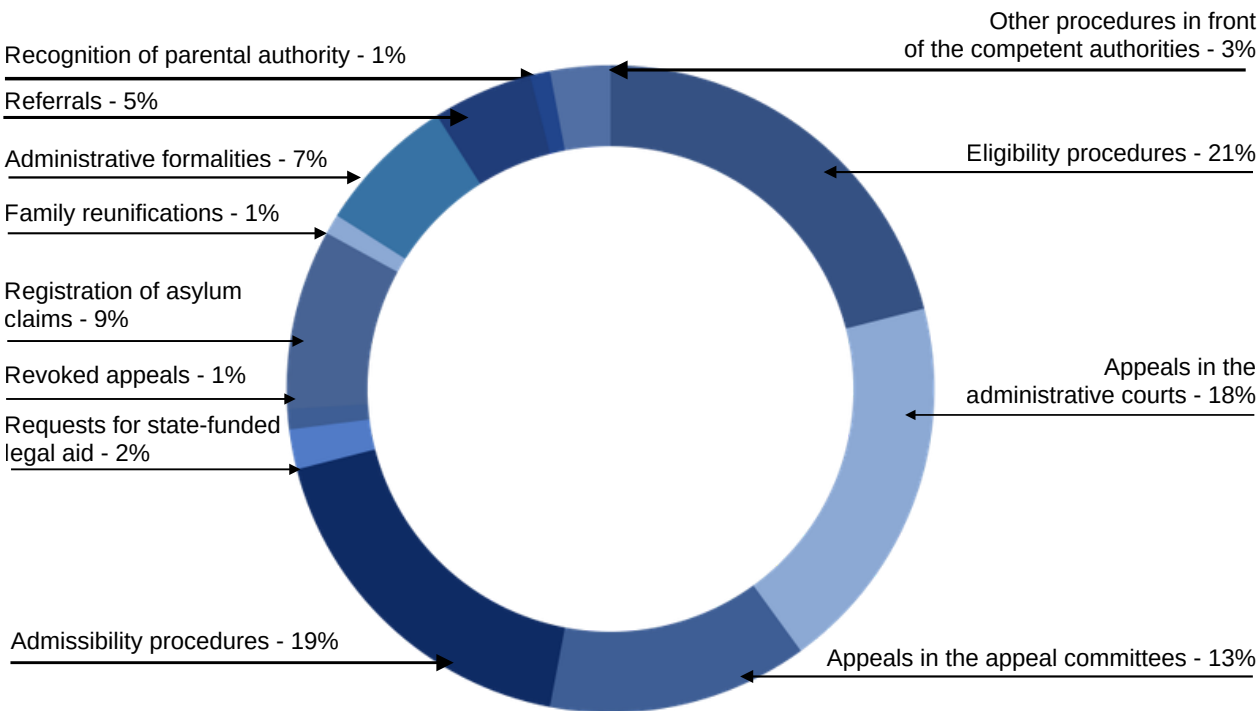
In 2022, ELA maintained and consolidated its legal assistance programme for asylum seekers thanks to a reinforced team and increased resources. The association accompanied **503 beneficiaries**¹⁵ and provided **738 individual consultations**, including **154 individual sessions in preparation for asylum interviews**.

ELA's legal staff during this period included **3 Greek lawyers**, **1 lawyer/project coordinator** and **7 volunteer lawyers**.

Thanks to the broadening of our structure's scope of intervention, our team was able to undertake **361 procedures**, covering all stages of the asylum application, from the registration of the application to the appeal to the court. Providing full support throughout the asylum application process, even in the event of rejection, is a major asset of the project.

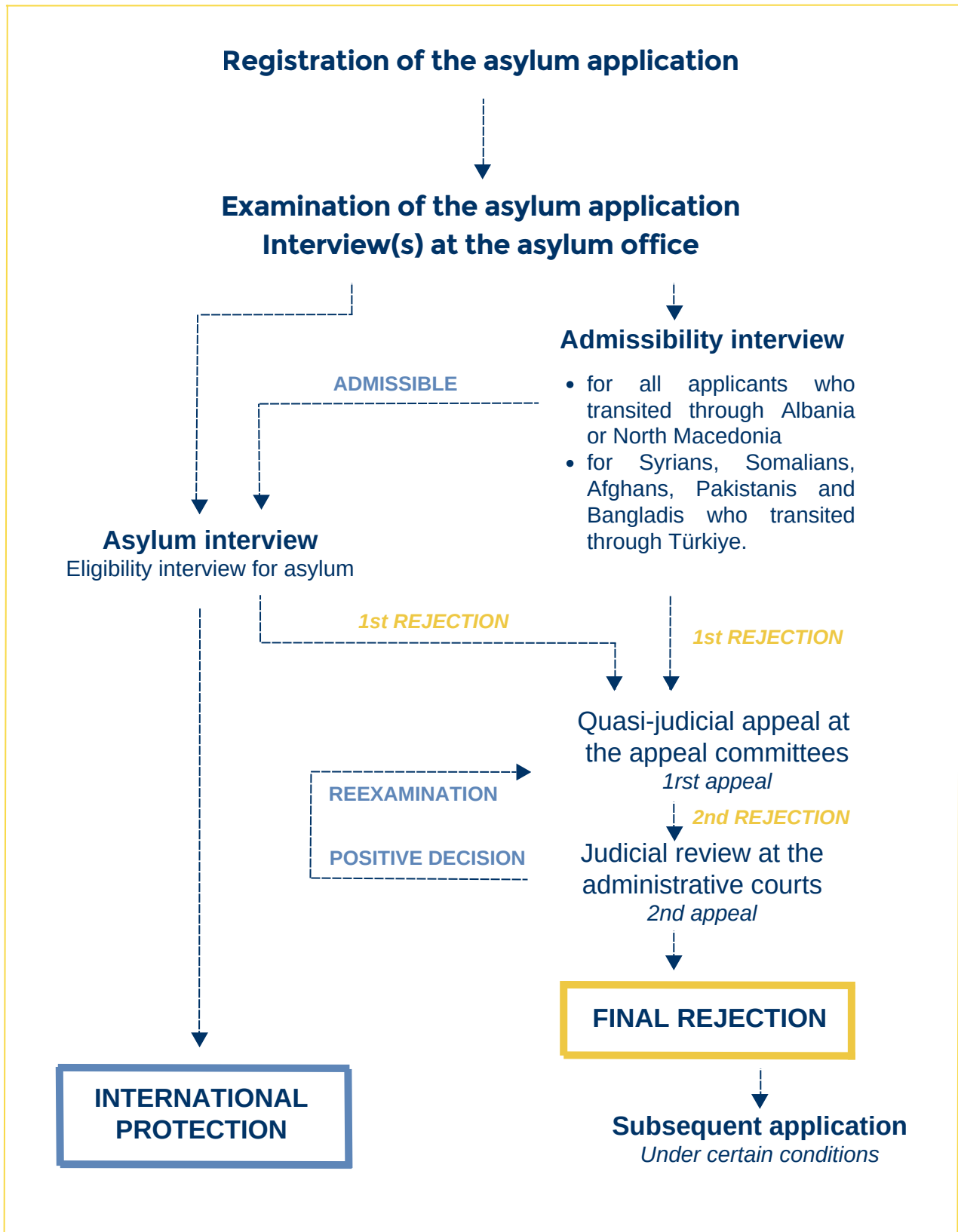


The breakdown of procedures handled this year is as follows:



15. A beneficiary is a person who receives **ongoing and long-term assistance** from our team in the framework of their asylum procedure(s). Persons who receive one-off counselling or who are not subsequently followed up (e.g. requests through the hotline or one-off counselling during legal clinics) are not counted as beneficiaries of the association and do not appear in the data presented in this report.

Simplified overview of the asylum procedure in mainland Greece





ELA's offices in Thessaloniki in December 2022.

In 2022, our team has undertaken:

31

registration
procedures at the
local asylum office

35

admissibility
procedures

75

eligibility
procedure

Inquiries made on the hotline

Since the start of the project, ELA has provided a hotline for asylum seekers looking for information and legal assistance. The hotline is open Monday to Friday, 9am to 6pm. Asylum seekers are able to speak directly to a member of our team, with the help of an interpreter if necessary. After an initial assessment, the case is assigned to a lawyer for further processing. After noticing an increase in the number of requests on our hotline, we set up a monitoring tool in March 2022.

From March to December 2022, we handled **212 requests for information or legal assistance from asylum seekers on the hotline**. In 48% of cases, our team was asked to provide general advice and information on the asylum procedure. 30% of the requests concerned an appeal procedure and 14% concerned administrative issues. **17% of these requests resulted in long-term assistance** from our team, thus becoming beneficiaries of ELA. It should be noted that these requests correspond to the association's field of intervention, demonstrating a good understanding and visibility of our scope within the communities.

Support for the registration of asylum applications

Since the suspension of the online asylum registration service (on the Skype application) in November 2021, it is very difficult, if not impossible, for asylum seekers to apply for asylum in mainland Greece, even for the most diligent. In the face of this observation, our team has mobilised to accompany our beneficiaries in the lodging of their application, either by providing them with guidance and legal information, or by undertaking the procedure in its entirety. The obstacles in lodging an asylum application are mainly related to the implementation of a dysfunctional online platform, launched on 1 September 2022 (for more information, see [our report on the digitalisation of the asylum procedure in Greece](#)). The difficulties affect both initial and subsequent applications.

In 2022, we took over **31 asylum registration procedures**, either because the beneficiaries were identified as particularly vulnerable, or at their request and after finding that they were unable to do so by their own means (i.e. digital illiteracy). A total of **50 asylum seekers** were assisted. All applications resulted in the successful registration of their asylum applications.

Interview preparations

- **Preparations for the admissibility interview**

A simplified diagram of the asylum procedure can be found on [page 12](#).

Since June 2021 and the designation of Türkiye as a safe third country for asylum seekers from Afghanistan, Syria, Somalia, Pakistan and Bangladesh, our team also prepares people for the admissibility interview of their asylum application. Since December 2021, this procedure has been extended to all asylum seekers of all nationalities who have previously transited through Albania or North Macedonia.¹⁶ Preparation for the admissibility interview is essential and requires several sessions in the presence of a lawyer and an interpreter.

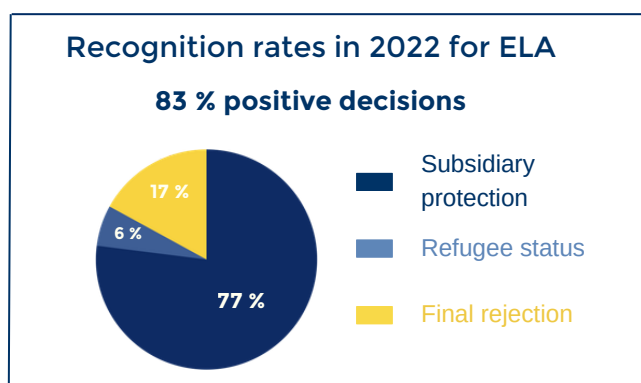
In 2022, our team undertook **36 admissibility procedures** in the context of a first asylum application and **14 in the context of a subsequent application**. 18% of these procedures are still pending. In the cases in which a decision was taken, **81% of ELA beneficiaries were found to be admissible** in their application and were invited for an interview on the merits of their case. Our team then prepared these people for the eligibility interview in the vast majority of cases (see below). Unfortunately, 9 applications were found inadmissible and we appealed 7 of these as part of our [strategic litigation](#) objectives.

From January to December 2022, our team provided 62 individual admissibility interview preparation sessions, accompanied 14 of our beneficiaries to the interview and submitted 6 additional memoranda in support of the application.

- **Eligibility interview preparations**

In addition to preparing for the admissibility interview, this year our team continued to accompany its beneficiaries during the eligibility procedures, i.e. the actual assessment of the asylum application. This interview has become the cornerstone of the procedure following the successive reforms of the asylum procedure in Greece over the last 4 years. Asylum seekers have to explain in detail the reasons for their exile so that the authorities can then decide on the asylum claim. In the event of a negative decision, the chances of obtaining asylum on appeal are extremely low: only 5.7% of asylum applications are granted on appeal.¹⁷ It should also be noted that during the appeal procedure the applicant is no longer invited to give an oral statement and is not allowed to add to the story that was initially presented in the first stages of the procedure. In other words, the first interview is decisive and prior preparation is again indispensable.

This preparation is an opportunity to explain what asylum is and under what conditions it is granted, to review with the applicants the reasons for their exile, and to help them gather the supporting documents to substantiate their claim. Each meeting requires at least the presence of a lawyer and an interpreter for the language concerned. Except in the case of very short deadlines, our team devotes 2 to 3 individual sessions to each preparation.



As regards the cases in which a decision was taken, **83% of ELA beneficiaries were granted international protection**, i.e. 98 persons. Unfortunately, 17% had their application rejected and the decision became final.

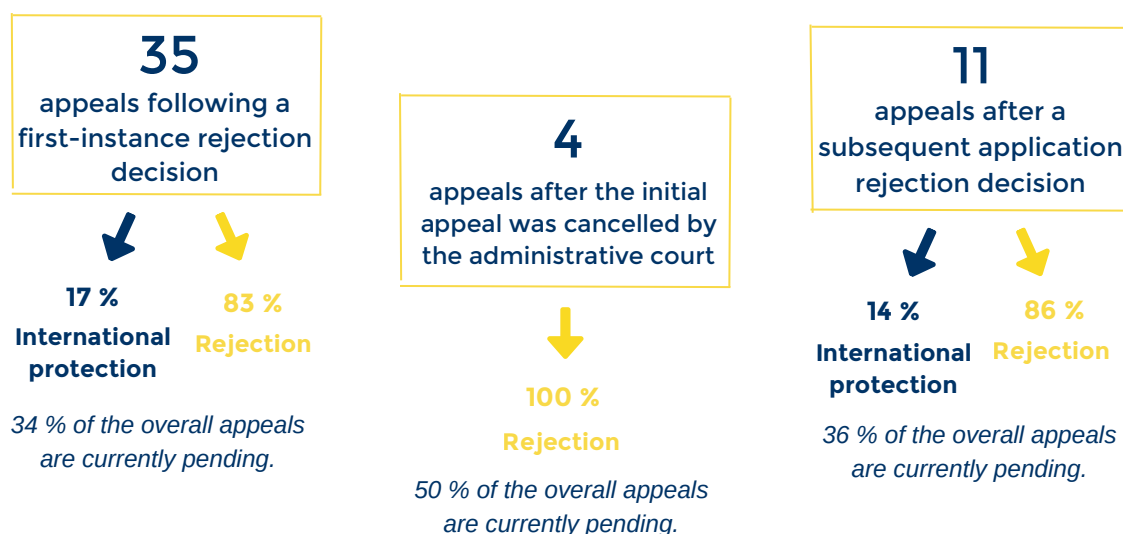
From January to December 2022, our team provided **92 individual eligibility interview preparation sessions**, accompanied 17 of our beneficiaries to the interview and submitted 4 additional memoranda in support of the application.

16. See to the section on admissibility procedures in [page 32](#).

17. Source: Greek Ministry of Asylum and Migration, [annual report 2022](#) and [appendix](#).

Quasi-judicial appeals at the appeal committees in Athens

In 2022, our team undertook and represented
50 appeals before the appeal committees in Athens:



The work of the lawyer for each appeal is substantial and time-consuming: it is necessary to interview the beneficiaries, analyse the decision of rejection issued by the asylum authorities as well as the minutes of the interview on the merits, and draft an appeal brief with supporting documents. Since the 2019 reform, beneficiaries are no longer called to appear in the committee and provide an oral statement. The decision of the appeal committee is therefore based solely on the first asylum interview and the appeal brief written by the lawyer. This brief must be as accurate and comprehensive as possible and should include up-to-date information on the applicant's country of origin.

36 % of the total number of appeals are still **pending** at the time of writing this report. Of those appeals where a decision has been taken by the appeal committee, **15% have been granted international protection**. 85% were unfortunately rejected. In the majority of cases, our team lodged a second appeal. As a reference, only 5.7% of appeals to the appeal committee in Greece result in a positive decision.¹⁸ However, this is a mandatory step in order to be able to present the case to the administrative court of appeal and possibly set a precedent. It should be noted that this procedure is (so far) free of charge.

Judicial review before the competent administrative court of appeal

ELA is one of the few associations that represents in court asylum seekers whose applications have been rejected by the appeal committees. More specifically, our team has drafted and submitted **requests for the annulment** of rejection decisions taken by the appeal committees, most often in conjunction with **requests for interim measures** before the competent administrative courts. Indeed, a request for annulment doesn't have any suspensive effect, which makes it necessary to ask the judge to suspend the deportation order that automatically comes with a rejection decision, until a final decision has been reached on the merits of the case.

As with the quasi-judicial appeals, judicial reviews involve a considerable amount of work, including interviews with beneficiaries, research into case law and up-to-date information on the country of origin, drafting of memoranda and pleadings. It is also a very expensive and lengthy procedure to undertake, that can take up to several years. These material considerations mean that each and every request for annulment is debated and decided upon by our team as a whole.

18. Source : Greek Ministry of Asylum and Migration, [annual report 2022](#) and [appendix](#).

Indicative rates for the costs of proceedings before the administrative courts of appeal¹⁹

Interim measures	135 €	Bailiff notification	43,40 €	Pleading fees	203 €
Request for annulment	267 €	Notarized power of attorney	50-70 €	Fees for the submission of an additional memo	85 €

• The requests for annulment lodged by the ELA

The request for annulment is a request on the merits asking for the decision of the appeal committee rejecting the asylum application to be reviewed by a higher jurisdiction. The court may decide to annul the decision of the appeal committee in its entirety if it considers it to be erroneous. The case is then remitted to the appeal committee for re-examination of the asylum application.

Requests for annulment are important, firstly, because they allow lawyers and organisations to provoke the re-examination of an asylum application that they believe has been wrongly rejected, thus asserting the person's rights before a judge. Secondly, because they allow a provision or its practical application to be challenged in the light of a real situation, in order to demonstrate a violation of rights, set a precedent or entail systemic change.²⁰

In Greece, however, it is not easy to appeal: in addition to the prohibitive cost of the procedures, their length, complexity and the lack of *pro bono* or state-funded legal aid are cumulative factors that drastically limit the right to an effective remedy.²¹

In 2022, our team filed and supported **36 applications for annulment** before the administrative court of appeal, representing 68 beneficiaries of the association. **78%** of these appeals are currently **pending**. **Three applications were successful** (37%) and five others were definitively rejected by the court (78%). As a reference, the success rate of applications for annulment in asylum matters in Greece in 2022 is 16.3%.²² In all three successful cases, the court's decision provides useful guidance and standards for the implementation of the law, ultimately bringing about positive and systemic change in situations that our team has identified as **common or pernicious violations of asylum rights** as part of our strategic litigation.

Breakdown of the type of support provided by our team this year:

Consultations		777 h
Drafting of legal acts (memorandum, requests to jurisdictions)		450 h
Case management (correspondance, translation, secretariat)		380 h
Administrative formalities (representation with the authorities, official requests and correspondance)		190 h
Interview accompaniment, representation at courts		153 h
Legal clinics		120 h
Research		110 h

19. Indicative price list excluding VAT.

20. See below, section on our strategic litigation, [page 31](#).

21. See our report on [access to legal assistance for exiles in northern Greece](#), published in January 2022.

22. Source: Refugee Support Aegean, [The Greek asylum procedure in the first half of 2022](#)

- **The requests for interim measures lodged by ELA**

Requests on the merits are usually accompanied by requests for interim measures: 29 requests for interim measures were submitted during the reporting period, of which 5 are still pending. These requests for interim measures make it possible to oppose the deportation of the applicants and to obtain a residence permit pending the decision on the merits to be taken by the court in the context of the request for annulment. To date, **92% of the requests for interim measures submitted by the association have been granted by the judge.**

Our team has also represented its beneficiaries before the courts in proceedings for the recognition of parental authority (particularly in the event of separation, divorce or death of the spouse), enabling single parents to obtain residence permits for their children. In 2022, we took on five such cases and were successful in all of them.

Other procedures supported by ELA in 2022

- **Family reunification**

This type of application remains very rare this year: only 4 applications for family reunification were assisted by our team, half of which are still pending, the other half having been granted to the families.

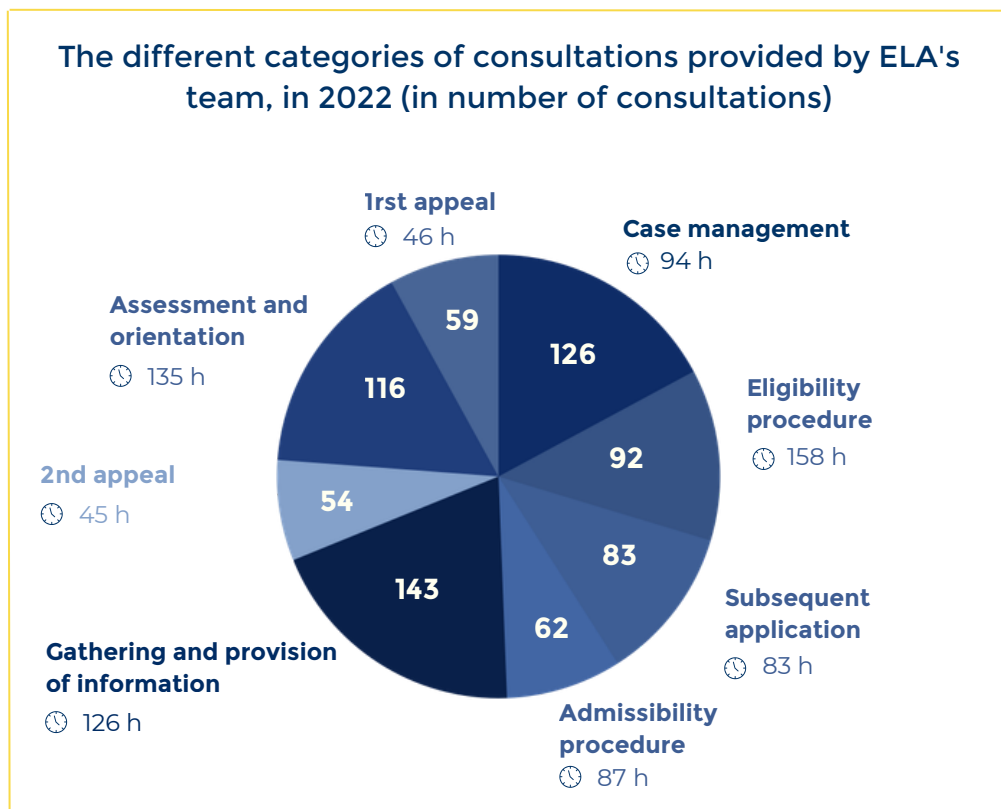
- **Applications for state funded legal aid**

Although a special budget has been allocated for 2021 and 2022 to fund appeals and judicial proceedings within ELA, our association is not in a position to take on all such applications. This is the greatest need to date, but very few associations are able to meet it.

Given our human and financial limitations, we have decided to make greater use of government-funded legal aid. This aid is free of charge and financed by the Greek state. However, it is subject to many criteria, is means-tested and must be applied for in person at the court secretariat. The form is quite technical in Greek and is not easy for the applicant to complete. But access to a lawyer depends on it if no association has the human and financial capacity to support the case on appeal. In addition, deadlines for an appeal are very short (30 days) and it can take between 10 and 15 days to receive a decision on the application for legal aid. Hence, efficient support is an absolute necessity to ensure the deadline is not missed.

In 2022, we took on and submitted 8 such applications. Only half of them were granted by the judge and a lawyer was appointed under the state-funded scheme. For the others, unfortunately, there is no recourse or alternative: they cannot appeal.





- **Other applications to the relevant authorities**

Our team has supported and submitted some specific applications, such as applications for residence permits on humanitarian grounds. 12 such cases were handled this year, the vast majority of which are still pending. Three of these have been successful.

- **Administrative formalities at the asylum office**

In addition to the procedures mentioned above, the asylum application procedure involves a number of formalities, such as requests for postponement of interviews, notification of decisions and changes to personal data. Our team also helped some beneficiaries of international protection to renew their residence permits. 25 such formalities were successfully completed in 2022.

- **Referrals to other organisations**

Finally, we made 19 referrals for specific care (usually psychosocial or medical) to local organisations. These requests generally concern persons identified as particularly vulnerable and in need of specific support, such as victims of torture or persons suffering from chronic and/or serious illnesses or severe psychiatric disorders.

Overview of our legal services

In 2022, our legal services have evolved as a result of legislative developments in Greece, in particular:

- the joint ministerial decision of 10 June 2021 declaring Türkiye safe for asylum seekers of Afghan, Syrian, Somali, Pakistani and Bengali origin who have transited through Türkiye and generalising the prior admissibility procedure for these nationalities, both for a first asylum application and for a subsequent application;
- the inclusion of Albania and North Macedonia in the list of safe third countries on 21 December 2021, again introducing a prior admissibility procedure for all applicants of all nationalities who have transited there;
- finally, the successive changes made by the Ministry of Migration to the procedures for lodging asylum applications, resulting in an almost total **suspension of asylum applications on the mainland from 24 November 2021 to 13 July 2022**.

This has led to undeniable (even insurmountable) difficulties in submitting an asylum application, an increase in the number of rejection decisions based solely on the admissibility of the application (i.e. without examining the merits, focusing exclusively on the experience of the applicants in the transit country) and, logically, an exponential increase in first and second degree appeals.

In short, asylum procedures are longer and more complex and, paradoxically, there are fewer legal actors to assist asylum seekers.

Significant changes:

	2021	2022	
Number of beneficiaries	513	503	-2%
Number of cases	239	255	+7%
Number of consultations	437	738	+70%
Number of lawyers	7	10	+43%

Developments in supported procedures:

	2021	2022	
Registration of the asylum request	10	31	+210%
Admissibility procedures	30	50	+67%
Eligibility procedures	68	75	+10%
1st appeals at the appeal committees	11	46	+318%
Requests for annulment at the courts (2nd appeals)	13	36	+176%
Requests for interim measures at the courts	13	29	+123%
Subsequent applications	17	53	+212%

Comparison of recognition rates: rates in Greece vs. ELA rates in 2022²³

Recognition rate for international protection at first instance	
Greece	ELA
62,3%	84,3%

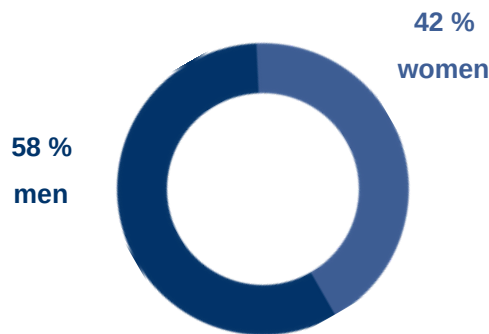
Recognition rate for international protection at the 1st appeal	
Greece	ELA
5,7%	15,2%

Success rate of judicial reviews (requests for annulment) at the courts	
Greece	ELA
16,3%	37,5%

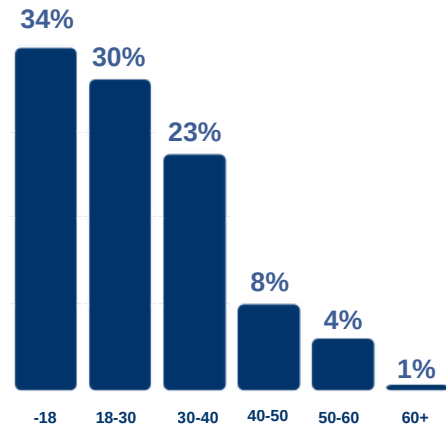
23. For Greek rates, sources: [Ministry of Migration and Asylum annual report, December 2022](#) and [Refugee Support Aegean, The Greek asylum procedure in the first half of 2022](#). Recognition rates for ELA are for the whole year 2022. ELA rates are calculated per number of beneficiaries and on the basis of final decisions. Appeals to the appeal committees and the administrative appeal courts are procedures where legal representation by a lawyer is mandatory. The rates shown above, both for Greece and for ELA, therefore refer to proceedings with a lawyer.

Our beneficiaries²⁴

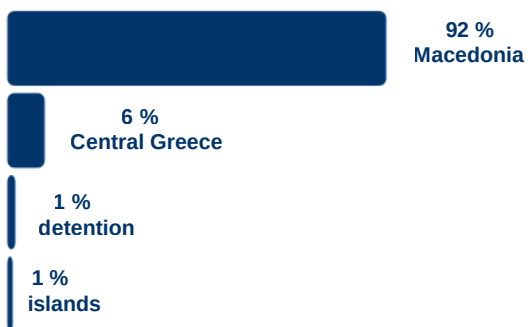
GENDER



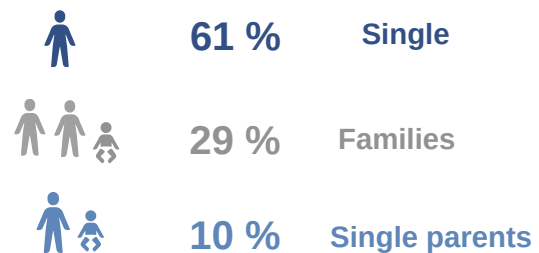
AGE



LOCATION IN GREECE

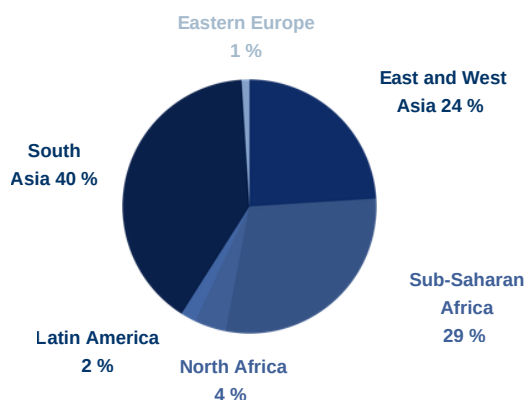


FAMILY SITUATION



(by number of files)
Total January through December 2022

35 COUNTRIES OF ORIGIN



TOP 5 COUNTRIES OF ORIGIN

- | | |
|-----------------------|--------------------|
| 1. Afghanistan - 27 % | 4. DR Congo - 10 % |
| 2. Iraq - 10% | 5. Pakistan - 8 % |
| 3. Syria - 10 % | |

24 LANGUAGES SPOKEN

31% farsi/dari
19% arabic
14% french

7% ourdou
6% english
4% lingala
3% sorani
3% somali
2% Kermanji

9% others (*pashto, bengali, turkish, poular, soninke, mandarin, cousais, hindi, hausa, punjabi, krio, mandika*)

24. Data collected from January to December 2022, reported by number of beneficiaries.

Immersion into our action

361



procedures
undertaken

503



supported
beneficiaries

738



legal consultations
provided

Zahra*, 29, is from Afghanistan. She is also a survivor of gender-based violence. Zahra left her country in late 2019, after she and her husband were targeted and attacked by the Taliban. The couple arrived in Greece, where they applied for international protection in December 2019. After their asylum application was finally rejected in May 2021, the couple found themselves in a legal limbo, unable to return to Afghanistan or leave Greece.

A few months later, Zahra's husband disappeared and remains missing. Zahra was left alone in Greece, suffering from post-traumatic stress disorder and depression, with symptoms worsening by the day.

ELA was first contacted by a local organization to help find Zahra's husband. Later we became involved in her asylum case. We helped Zahra file a new, subsequent application for asylum. This application was based on the changed political situation in Afghanistan after the Taliban took over the country in the summer of 2021, and on elements of her personal life that she hadn't been able to present in the first case. With ELA's encouragement and support, Zahra agreed to undergo an expert examination in order to obtain all the necessary documents to prove her vulnerability in relation to the gender-based persecution she had suffered. These documents helped to substantiate her claim, which was deemed admissible by the asylum authorities. She then applied for family reunification with her sister, who lives in France and supports her efforts to overcome her trauma and build a new life.

The French asylum authorities were convinced of Zahra's vulnerability and accepted her application for family reunification in December 2022. Zahra is now waiting to be transferred to France, where her asylum application will be finally re-examined. This time, her file is full of important documents that can be used to prove that she has been persecuted by the Taliban and is in need of international protection.

The story of **Myriam***

In March 2022, a young woman contacted our hotline, Myriam, a Pakistani mother of two small children (1 and 3 years old). Myriam belongs to the Baloch ethnic minority, which is persecuted in Pakistan. Because she defended the cause and the rights of the Baloch, Myriam was forced to leave her country to seek asylum in Europe 5 years ago.

Myriam first contacted us to get a "second opinion" on her case. Since then, our involvement has been total, varied and constant. Following her husband's arrest, she (re)applied for asylum, citing this new situation as an element aggravating the risk of persecution and exclusion she would face if she returned to her country of origin. This application was rejected and the case was under appeal. Myriam was worried about the imminent decision of the judge.

A few months later, Myriam received a negative decision, accompanied by a letter asking her to leave her home. In fact, Myriam and her children, who were considered vulnerable, were placed by the Greek state under the ESTIA program. After the rejection of her asylum application, Myriam was no longer eligible for this program. Everything then accelerated. In addition to the risk of becoming homeless with her family, Myriam had no resources, no documents, no social support or legal assistance.

With the help of our Urdu interpreter, we offered to help Myriam in two main ways:

- on the one hand, our area of expertise, i.e. her asylum procedure
- and on the other hand, her material assistance: that she be accompanied by social services and benefit from programs able to provide her with food, diapers, etc., and finally to advocate for the cancellation or delay of her expulsion.

At the same time, the Greek government had already announced the end of the ESTIA II program and the transfer of its beneficiaries to refugee camps. Faced with the urgency of the situation, we mobilized so many different and complementary actors that we were able to provide social, medical and legal support in both Thessaloniki and Athens. Thanks to this holistic approach, which was essential to respond to Myriam's needs, we were able to build a relationship of trust and humbly contribute to her empowerment and awareness of the challenges ahead of her. Her case alone illustrates the adage that "information is power."

While we had been working together for several weeks to document her new (and third) application for asylum, and while we had accompanied Myriam to the registration interview, she received a new rejection decision. This decision consisted of a vulgar copy-paste of the reasoning of the previous decisions, without any reference to her new statements and the new documents she had submitted. Determined to challenge this new legal cut-off, we drafted her appeal and asked a legal association partner of our network to plead the case before the appeal committee in Athens. On the day of the hearing, the judges were attentive to our arguments and asked for more information about the treatment of isolated women in Pakistan.

At the end of December 2022, when Myriam had received the final decision of the Civil Court ordering her deportation, we finally obtained that she be transferred to one of the camps in the northern part of Greece. We are not satisfied nor proud of this situation since ELA denounces the policy of encampment of asylum seekers in Greece, but as Myriam told us again gently on the phone "there was no other option, I will not be on the street with my children at least".

On January 20, 2023, after 5 years of struggle and 3 asylum procedures, the appeals committee responsible for deciding on her application, overruled the rejection decision and granted Myriam and her children international protection.

Muhammad* fled Pakistan at the age of 16 because he feared for his life. It took him almost 2 years to reach Greece. He contacted us in October 2022, asking for assistance with his new asylum application; his registration appointment was scheduled a few weeks later.

After our assessment of his case and the reasons for the Greek Asylum Service's rejection, Muhammad understood that he hadn't explained his personal story well to the Greek Asylum Service. In fact, he hadn't had the opportunity to get legal assistance during his first asylum application and was unprepared for his interview.

As we helped him with the help of our Urdu interpreter at his subsequent application appointment, Muhammad realized that his human rights and dignity had not been respected in Pakistan for a very long time. In fact, he and his family belong to a vulnerable social group in Pakistan, a discriminated caste, and are under constant threat. Muhammad was able to provide recent documents showing the deterioration of his family's safety and the danger he'd face if he had to return to his country of origin. We later helped him present this information to the asylum office. In order for the subsequent application to be considered admissible and for the authorities to reconsider his asylum claim, new elements are required.

Three weeks after registering, Muhammad told us that his subsequent application had been found admissible by the authorities. He will be invited for another interview in 2023 to reiterate to the Greek Asylum Service the reasons why he left Pakistan and why returning there would put his life in danger. We are now providing him with the support he needs to prepare for this important interview.

Francis* is a 21-year-old young man from the Republic of Guinea. In 2015, riots broke out between supporters of the Malinke RPG party and the Peuhl people. The Malinke are a powerful tribe in Guinea, while the Peuhl are discriminated against by the former. Francis was 14 years old at the time and belongs to the Peuhl tribe. During the conflict, he was seriously injured when Malinke people shot him in the head. Fortunately, he received an exit wound and was able to recover. When he returned to his home, where he lived with his aunt and uncle, they were attacked by Malinke people and his aunt was shot dead. Francis was then forced to leave his country for fear of persecution because of his Peuhl ethnicity.

Francis arrived in Greece in 2018 as an unaccompanied minor and applied for international protection. His application was initially rejected. The first decision, while accepting his claims, found that he wouldn't be at risk of persecution or serious harm if returned to Guinea. In fact, the asylum authorities considered that his life wouldn't be in danger after the coup d'état in September 2021 and the overthrow of the Conde government.

ELA helped him appeal the first rejection. In the appeal, we argued that the contested decision wrongly found that he did not have a well-founded and well-substantiated fear of persecution under the new regime, which is not only led by a Malinke but is a junta condemned by the international community. We also argued that his fear was based on the pre-existing persecution he suffered before leaving his country of origin and the persecution he risks if he is forced to return to Guinea.

The Appeals Committee accepted our arguments and granted him refugee status. He is now awaiting his residence permit and travel documents.

Amal* is a young woman from Somalia who came to Greece 3 years ago. She was forced to leave her country due to persecution by Al Shabaab. Al Shabaab is an Islamist insurgent group active in the wider region and in opposition to the Somali government. Specifically, Al Shabaab had tried to recruit her husband, who managed to escape and was forced to flee Somalia. Left alone with her children and without a support network, al Shabaab members tried to force her to marry one of them. Amal refused and moved to another part of the country to protect herself and her children. Unfortunately, al-Shabaab found her and her family. In retaliation for her refusal, they bombed her home. She survived the bombing after a long coma. But her two children were killed in the attack.

Amal was also persecuted at the age of 7 when she was forced to undergo female genital mutilation (FGM). Female genital mutilation is a painful and dangerous practice carried out in most African countries. It involves the partial or total removal of the external female genitalia or other injury to the female genital organs. FGM is internationally sanctioned as a violation of the human rights of girls and women and is considered an act of persecution and torture under international law. Amal still faces many physical and psychological problems as a result of the mutilation she suffered as a child.

We assisted Amal with her asylum application, arguing that Amal had suffered not one but two forms of gender-based persecution and was a victim of torture. However, her claim was rejected by the asylum authorities in a totally unjustified and frankly outrageous decision. We drafted her appeal and represented her before the Appeals Committee in Athens. The hearing went well and we are now awaiting a decision on her case.

The story of Mohammad*, Abia* and their 4 children, who fled the war in Syria, showed me how unfair and arbitrary the process is, especially when it comes to Türkiye being considered a safe third country.

Mohammad and Abia contacted us after receiving their 5th negative decision. Both the family's original asylum application and their subsequent application were rejected as inadmissible: the Greek Asylum Service considered Türkiye to be a safe third country. This decision was based on the fact that they had lived in Türkiye for 7 years before coming to Greece.

After talking to them and reviewing the decision, it was clear to us that the authorities hadn't taken into account any of the specific elements of their case. Although Mohammad, Abia and their 4 children had lived in Türkiye for 7 years, they had never been granted a residence permit. It is worth noting that most of the time they were actually living in the Suleiman Shah refugee camp, one of the largest in Türkiye, near the border with Syria. Worst of all, Mohammad was actually pushed back to Syria by the Turkish authorities and his "kimlik" (the geographically limited temporary residence permit issued to asylum seekers) was taken away from him by the Turkish authorities. Following Mohammad's refoulement to Syria and his return to Türkiye, the family decided to travel to Greece.

On behalf of the family, we filed two requests, for annulment and for provisional measures. The provisional measures were granted by the court and the family was able to get their asylum seeker cards back. This was crucial as Mohammad is in urgent need of medical treatment as he's been diagnosed with cancer. In addition, the children can now continue to attend school and the family has the right to stay in a camp pending the decision of the Administrative Court.

Outreach activities



The association devotes an important part of its intervention to outreach activities, i.e. legal clinics and "street lawyering", as well as online contact tools. These activities are carried out in order to facilitate exchanges with beneficiaries (and partners). In an area such as northern Greece, it can be difficult for people to travel from an isolated camp to downtown Thessaloniki, where most of the organisations are located. In addition to prohibitive transportation costs, health conditions, specific family circumstances or the risk of illegal refoulement can make travel and contact difficult.



27 legal clinics

6 locations

In 2022, our team regularly went to Diavata (20 minutes from the city center), Polykastro (1 hour from Thessaloniki), Katerini (1 hour from Thessaloniki) and Lagkadikia (45 minutes from Thessaloniki) to conduct legal clinics at the **community centers of our various partners**. These four centers are located near refugee camps. On average, 2 legal clinics are organized each month. During these sessions, our team responds to new requests for legal assistance and ensures the follow-up of preexisting beneficiaries residing in the camps concerned. Our team has also travelled to Kavala (2h from Thessaloniki) and Ioannina (1h45min from Thessaloniki) to respond to more specific needs.

This year, our team also participated weekly in a food distribution in the suburbs of Thessaloniki and provided legal advice. Our presence at this specific meeting point allows us to provide advice and assistance to the marginalized communities of undocumented and homeless people, often newly arrived or rejected asylum seekers. For these people, going to the city center is dangerous: the risk of arrest, arbitrary detention and illegal pushback is very high. The "*street-lawyering*" is an opportunity to identify urgent cases that need immediate attention. Since October 2022, the food distribution takes place indoor, within a community center, ELA now intervenes inside the center just before the meal.

40
street-
lawyering
sessions



79 requests for assistance

To facilitate and frame our exchanges with organizations in the region, we created a referral form, accessible in English on our association's website since January 2022. In one year, we received 79 requests for assistance, mainly from 12 international and local organizations. We have undertaken 73% of the cases referred to us, most of them concerning 1st instance (24%) and 2nd instance (40%) appeals, as well as interview preparations (17%).

Unfortunately, our team had to decline 21 referrals, mainly related to appeals (67%). In fact, our dedicated budget for court representation and litigation costs for procedures before the administrative court of appeals and our human resources do not currently allow us to support all the requests that are submitted to us when it comes to appeals.

Local partners - some feedback on our collaboration

“

« I would like to take this opportunity to thank you and your team for the invaluable assistance you provide to refugees and migrants, many of whom are the beneficiaries of the Alkyone Day Center. Although there are a number of organizations that provide legal services, ELA is one of the few that provides full legal assistance. ELA's cooperation with Alkyone in providing legal assistance to our beneficiaries has been excellent and we are sure it will continue to be so. We are proud to have you as a partner in supporting the vulnerable community we both serve. »

Alkyone

Alkyone Day Center is a community center located in the center of Thessaloniki, with which ELA often cooperates, especially through mutual referrals.

“

« We have been working with ELA for almost 2 years. Without legal assistance, the chances of success in the asylum procedure are very low, and the mission of ELA fits perfectly with the mission and vision of our center. Even though the needs are constantly changing, the ELA team has always been flexible and willing to adapt. Special mention should also be made of the team's interpreters, whose work is often difficult and underappreciated. Indeed, their unwavering empathy, kindness and support enable asylum seekers to have access to quality advice and up-to-date legal information. As our partnership strengthens, we hope that the coming year will continue to bring us great successes and new achievements. »

Open Cultural Center

OCC is a community center in Polykastro with which ELA has often collaborated, particularly in planning legal clinics for the residents of the nearby Nea Kavala camp. In 2022, 5 legal clinics were held at the OCC.

”

“

« About a year ago, we had the pleasure of meeting the team of Equal Legal Aid (ELA), a small group of lawyers who had just - at that time - started working in the field of refugees in the city of Thessaloniki, offering their valuable services. At that point, CARITAS beneficiaries were receiving daily invitations for interviews and the need for interview preparation was at its peak. Thus, after the meetings that took place with ELA, they willingly and with great enthusiasm prepared those beneficiaries of our program that our legal advisor did not have time to serve due to the volume of the population, in order to attend their interviews before the Asylum Service. Afterwards, their interest in the progress of the cases and our beneficiaries was remarkable. It should be noted that this collaboration has been characterized from the beginning by mutual appreciation, consistency and respect. For several months now, given the gradation of the needs of the beneficiaries of the ESTIA program, our referrals of cases have varied and, for the most part, ELAs lawyers have been generous in their assistance to our beneficiaries who have received first and second degree rejection decisions. This team is always available to us, as we are to them, either by phone or e-mail. We have also had face-to-face meetings that have always been characterized by mutual understanding and efficiency. Their work is remarkable in the city of Thessaloniki and the beneficiaries have only positive comments about this team. »

Caritas Hellas

CARITAS Hellas is the local branch of Caritas International, which was located in the center of Thessaloniki until the closure of its program in December 2022. Our teams have been working closely together on cases since June 2021.

”

Caption: Our cultural mediator Farhad and our volunteer lawyer Matteo during a legal clinic at the OCC community center in March 2022. Photo credit: Domitille Nicolet.

ELA's territorial anchorage

In Thessaloniki

Meetings of the *pro bono* lawyers of Thessaloniki

ELA has initiated quarterly meetings of *pro bono* lawyers working for the structures of the Thessaloniki area, held in our offices. Considering the limited resources (human and financial) of our respective structures, we are indeed noticing an increased need for assistance in appeals, which calls for a better coordination of legal actors. These meetings are also forums for exchange on local practices, jurisprudence, difficulties encountered by lawyers, strategies. For the record, there are currently only about fifteen lawyers working *pro bono* in Thessaloniki.

In addition to these discussions, ELA maintains a map of the legal structures and their respective fields of intervention in order to better distribute the files among them.

Meetings of organizations that help undocumented and homeless exiled people

Following the same logic, ELA also organized quarterly meetings of associations that help homeless and/or undocumented asylum seekers. These meetings have allowed us to discuss the specific needs of this population, especially legal needs. Access to services provided by NGOs is indeed hampered by the lack of legal status in Greece.

In northern Greece

Our association also participates in the monthly coordination meeting of organizations working in northern Greece. This informal network gathers about fifteen structures spread throughout the region, offering a wide range of services such as the distribution of meals, basic necessities, language courses or legal assistance. In addition to exchanging information on the situation in the various camps in the region, these meetings also aim to improve coordination between our different structures and to address urgent needs that may arise on a daily basis.

In Greece

Informal Network of Legal Aid Associations in Greece

ELA is at the origin of the creation and animation of this informal network, which gathers 9 similar structures whose purpose is to provide legal assistance to asylum seekers. The network meets once a month to discuss the latest legal and practical developments in the processing of asylum applications in Greece. The overall aim of the network is to strengthen cooperation between its members, with an emphasis on intra-network referrals to ensure adequate follow-up in case of transfer (islands/continent, Thessaloniki/Athens). It also aims to develop mutual support among its members by sharing resources, organizing joint legal trainings and participating in joint advocacy actions.

National Advocacy Working Group

Finally, our team has been participating in this bimonthly working group since 2021. This informal network includes almost all organizations active in the field of asylum in Greece and its purpose is to communicate about the advocacy efforts undertaken by its members and to encourage collective initiatives.

Highlights of 2022

March 2022

ELA participated in a **regional conference organized by the Fund for Global Human Rights in Jordan** on the situation and rights of displaced persons in the Euro-Mediterranean region.

May 2022

Visit of the **students of Science Po Paris** participating in the **collective project on the study of the obstacles related to the dematerialization of the asylum procedure in Greece**. A report has been published as a result of this project (available [here](#)).

June 2022

Our association has been awarded within the framework of a call for projects organized by the **Medici Law Firm**, aimed at promoting non-profit initiatives working against discrimination.

September 2022

ELA participated in a conference on access to justice in Paris organized by the **Barreau de Paris Solidarité**, in collaboration with **Justice Pro Bono**, and in the Barreau de Paris's evening of thanks to solidarity lawyers.

December 2022

In Paris, ELA participated in the conference organized by the **BNP Paribas Foundation** and the **French Institute for International Relations (IFRI)** on mobilizing citizens for refugees.

During the year, ELA also received visits from six of our partners and supporters: **the Catholic Committee Against Hunger and for Development (CCFD)-Terre Solidaire**, **the international law firm DLA Piper**, **the Fund for Global Human Rights**, **Humanity Now**, **Project Elpida** and **Solidaritee**.

Advocacy and awareness

In 2022, our team invested in raising awareness of the challenges faced by asylum seekers in northern Greece and in advocating for systemic change. Our actions were spread out at three levels:

1. Informing and raising awareness through our social media, website and newsletters;
2. Sharing our expertise through specialised publications and targeted interventions;
3. Working for systemic change, including through strategic litigation.

We focused mainly on issues arising from the **digitalisation** and **externalisation of the asylum procedure**.

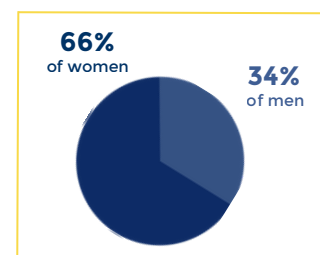
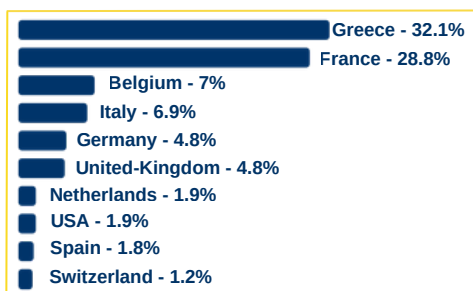
Strengthening our presence on social media

ELA's visibility on our website and social media grew considerably in 2022. Our presence on the three social media platforms Facebook, Instagram and LinkedIn recorded a **90% increase in subscriptions**. Thanks to the diversification of our content with new topics and formats, our publications were seen by **more than 8,500 accounts** (+115% growth) and our pages received **236% more visits for the year 2022**. In March 2022, Juliette Malfaisan, Director of ELA, was interviewed in an [Instagram Live organised by SolidariTee](#).

Who's reading us ?

60 %

the majority of our audience is between 25 and 35 years old



Targeted interventions

February 14th, 2022 : intervention "*Voices of the invisible: testimonies of human rights violations in northern Greece*"

Statha Laina, a lawyer with ELA, was invited to participate in this online conference organised by students from Sciences Po Paris with a panel of asylum seekers and refugees, artists and humanitarian workers and activists working in northern Greece. Speakers were invited to give testimony about human rights violations they had suffered or witnessed. The aim of the conference was to shed light on the situation in the region, which has been largely ignored, and to amplify the voices of those who live there.

Conference "*Judicial professions and the crisis of reception in Europe*" organised by the Association of Masters in Cultures and Judicial Professions of the University Jean Moulin Lyon 3

Domitille Nicolet also took part in a web conference in March with Fanny Petit, parliamentary attaché. The aim of the conference was to raise awareness of the situation of asylum seekers in Greece and Europe, and in particular to present the work of the association and its lawyers.

Our team has also been interviewed and our work featured in the following articles:

- Tiara Sahar Ataii, 21/07/22, Jacobin (US), « [Europe Is Denying Thousands of Migrants a Chance at Asylum](#) »,
- Leslie Carretero, 23/09/22, InfoMigrants (Europe), « [Greek government creates undocumented migrants with new asylum procedure](#) »,
- Bahar Makooi, 17/10/22, InfoMigrants (Europe), « [Naked migrants: a humiliating but regular practice at the Greek-Turkish border](#) ».

Publication of reports



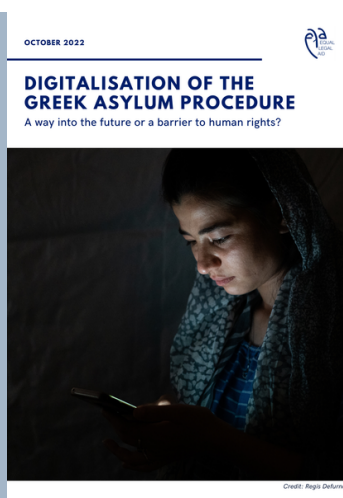
The association's first advocacy project was a **major study on access to legal aid for displaced persons in northern Greece**. In 2021, our team distributed an anonymous questionnaire, available in 9 languages, to displaced people living in the region, either in camps in the region or in urban areas. We aimed to find out whether these people had access to legal aid, what form it took and whether it met their needs.

This study allowed the association to adapt its scope of intervention and to have updated empirical data to raise awareness of the problem of access to justice for exiles. This is the first study of its kind in mainland Greece. A total of 181 testimonies were collected. The results of the survey were published in [a report in January 2022](#).

SOME FIGURES

42% of the asylum seekers interviewed **did not have access to legal assistance** during their asylum application. **49%** of them had only **one legal consultation**.

95% of respondents consider that **access to legal aid is essential, necessary or useful** in the context of their asylum procedure. A further **75%** said that it was **very difficult or difficult to find such assistance**.



From October 2021 to September 2022, with the help of five students from Sciences Po Paris, we conducted research on the digitalisation of the asylum procedure in Greece and its impact. We conducted interviews with stakeholders from 13 organisations working with asylum seekers. During the research and interviews, we asked ourselves: **Is digitalisation a way forward or a new obstacle for asylum seekers?**

Our conclusions are clear: rather than facilitating dialogue between asylum seekers and the Greek administration, dematerialisation is an additional obstacle in the process. Dematerialisation seriously hampers access to asylum and the smooth running of the procedure. It also complicates the work of organisations such as ELA.

Our report, published in **October 2022**, aims to raise awareness of the challenges posed by the dematerialisation of asylum procedures in Northern Greece and to advocate for systemic change on the part of the relevant authorities and policymakers at national and European level.

We would like to thank all the organisations that contributed to this report, **Maud Bachelet**, **Meredith McCain**, **Xenia Chan**, **Lara Kühnle**, **Christina Sullivan**, **Priscille Duflos** and **Milou Borsotti** for their work, and finally the [collectif MiDi](#) of Sciences Po that supported our research.

Focus on our advocacy against the externalisation of asylum

- On 7 June 2021, the Greek government declares **Türkiye a safe third country** for Afghan, Syrian, Somali, Pakistani and Bangladeshi nationals, subjecting them to an **"admissibility" procedure** to facilitate deportations to Türkiye without a substantive examination of their asylum claims.
- On 20 December 2021, the Greek government adds **Albania and North Macedonia** to the list of safe countries, extending the much-criticised admissibility procedure to all asylum seekers (of all nationalities) who have passed through these two countries before arriving on European soil.

These measures are following **the logic of externalisation**, which means that states are relieving themselves of their responsibilities under international law in the field of asylum, transferring the reception of asylum seekers and the processing of asylum applications to other countries, outside the European Union. These practices also include the forced deportation of asylum seekers.

Why is externalisation problematic?

The outsourcing of asylum procedures constitutes a breach of the international obligations of states and in particular the principle of non-refoulement. UNHCR considers that "these practices jeopardise the rights of persons seeking safety and protection, stigmatise them, penalise them and may put their lives at risk".

In practice, these two decisions have had disastrous consequences in Greece, which have been unanimously condemned:

- **Violation of the right to asylum**, due to the very high rate of arbitrary rejection of applications, based solely on the concept of "safe third countries", without any examination of the merits of the applications. Asylum seekers have their claims for safety and protection rejected without ever having the opportunity to explain the reasons for their exile.
- **Violation of the right to dignity**, due to the extreme material precariousness in which rejected asylum seekers have to survive, due to the legal limbo in which these people find themselves: undocumented, often homeless and without the possibility of asserting their rights.

In its latest report, the European Commission opposes the designation of Türkiye as a safe third country. It refers in detail to obstacles to refugees' access to international protection, violations of the principle of non-refoulement and of human rights in detention, and the general decline of the rule of law. For its part, the UNHCR has denounced the lack of procedural safeguards and refugee status determination and reception mechanisms in North Macedonia, arguing that these shortcomings inevitably undermine the fairness of the whole process.

Key figures on admissibility procedures in Greece²⁵

52%

asylum applicants from
Syria, Afghanistan, Somalia,
Bangladesh and Pakistan
in 2022

3 601

inadmissibility decisions
issued by the asylum
authorities in 2022

17%

of asylum requests
rejected without an in-
merit examination in 2022

25. Source : Greek Ministry of Asylum and Migration, [annual report 2022](#) and [annexe](#).

In the face of the difficulties caused by the extension of the admissibility procedures, our team has been mobilised on a number of levels.

1. **Reinforced legal assistance:** Since June 2021, our team has been supporting asylum seekers subject to an admissibility procedure by preparing them for this specific interview and accompanying them to the asylum office whenever possible (see [page 14](#) above). In 2022, we accompanied 101 people through the admissibility process. **81% of ELA beneficiaries** were deemed admissible in 2022 and called for an eligibility interview.
2. **Strategic litigation:** In order to challenge the legality of the admissibility procedure in the light of European legislation and international conventions, we have initiated several litigation procedures on the merits before the appeal committees in Athens and the Greek administrative courts of appeal. Three requests challenging the qualification of Türkiye and Northern Macedonia as safe countries are currently pending before the administrative courts.
3. **Raising public awareness:** By publishing two in-depth analyses and joining 59 organisations from across Europe in an online **[petition calling for the immediate repeal of the intolerable decision of 7 June 2021](#)**.²⁶ The petition was supported by almost two thousand people. MEP Damien Carême has also signed the petition.

Our publications related to externalisation:

- 7 june 2022, "[Greece must revoke the decision considering Türkiye a safe country](#)."
- 5 september 2022, "[Transit and safe third country definition: criticism based on recent North Macedonia decisions](#)", by Matteo Russo

On 7 February 2023, the Greek Supreme Court referred a question to the Court of Justice of the European Union (CJEU) for a **preliminary ruling** on the conformity of this joint ministerial decision with EU directives. In a resounding preliminary opinion, the Greek Supreme Court ruled that a country cannot be considered safe if it does not accept refugees returned to its territory to seek asylum, as is the case with Türkiye, at least as of March 2020. This is a partial victory for associations such as ELA, which have relentlessly denounced these abusive and unjustified procedures, as it will take several months for the ECJ to reach a decision.

Other advocacy projects

Unfounded rejections of asylum applications from Somalis

After noticing that a significant number of asylum claims were being rejected on poor or insufficient grounds, our team contacted the Greek asylum authorities in December to draw their attention to the worrying humanitarian situation in Somalia and to report several particularly flagrant cases of unfounded rejections. No response has yet been received from the asylum authorities.

Strategic litigation

Since 2021, our association has been able to challenge rejections before the administrative court of appeal. This is an important advocacy tool that allows us to defend the rights of our beneficiaries individually and to denounce violations of the right to asylum in order to bring about systemic changes through the development of more favourable case law. In 2022, we obtained three positive decisions that can be used by other lawyers to support their cases. One of these positive decisions concerns the case of Amir, which is very emblematic of the failures of the Greek asylum system and about which we spoke at length in a [previous newsletter](#).

26. To sign the petition, go to change.org !

Trainings

Training provided by ELA

Practical training for volunteer interpreters

ELA's Farsi/Dari cultural mediator organised and led training sessions for our team of volunteer interpreters in order to share with them practical advice and recommendations. The role of the interpreter is fundamental during legal consultations. In addition to interpreting, the interpreter also has the often delicate role of reassuring and explaining complex notions to our beneficiaries, as well as identifying and bridging linguistic and cultural gaps that may appear during consultations.

Practical training on how to apply for legal aid for the social workers of one of our partners

Since our association is not able to handle all the requests related to the second instance appeals, we wanted to make more use of the state-funded legal aid that can be granted by the administrative courts of appeal. In order to facilitate the use of state-funded legal aid, we have provided practical training to the social workers of the local project so that they can collect the necessary documents themselves and proceed with the filing of this application. This training was the first - we hope - of many to come!

Practical training on the situation in the Democratic Republic of the Congo and Afghanistan

In May and September, our team received two special trainings on the geopolitical and social situation in the **Democratic Republic of Congo** and **Afghanistan**. These trainings were conducted by individuals with significant local experience. In addition to providing our team (and the Mobile Info Team invited for the occasion) with a general overview, these trainings were an opportunity to question our speakers on more specific issues related to the cases supported by ELA.

Training received by ELA

Capacity Building

Throughout the year, our team was invited to participate in professional training (or capacity building):

- in March and October, our team participated in the **human trafficking awareness** program organized by the NGO A21 at its premises in Thessaloniki.
- in May, our team participated in a training on **best practices to adopt when dealing with a public suffering from psychological disorders** (such as post-traumatic stress disorder), a training provided by the NGO AMNA, in Thessaloniki.
- in July and December, part of our team participated in two trainings organized by the NGO Frontline Defenders in Thessaloniki on **risk assessment and management** and **digital security** for human rights defenders working in hostile environments.
- finally, in October, part of our team participated in a two-day training organized by Choose Love and Fenix on the **development and implementation of security policies and recruitment** in the associative sector.

ELA's team

The continuity and quality of ELA's work is based on its team: **European, mixed and committed**. Composed of lawyers, jurists and interpreters, the association benefits from the expertise of a permanent staff as well as from the energy and fresh perspective of short-term and long-term volunteers.

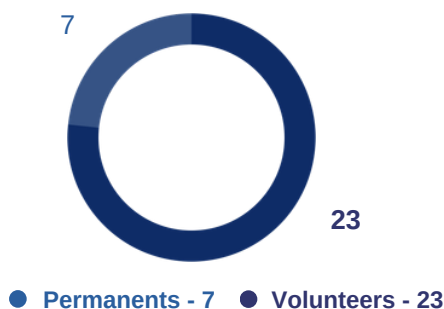
In the ground, **7 permanent** staff members carried out the project this year:

- 2 lawyers (omitted), respectively director and coordinator of the project;
- 1 jurist in charge of finances;
- 3 Greek lawyers collaborating with ELA;
- 1 cultural mediator in Farsi/Dari language.

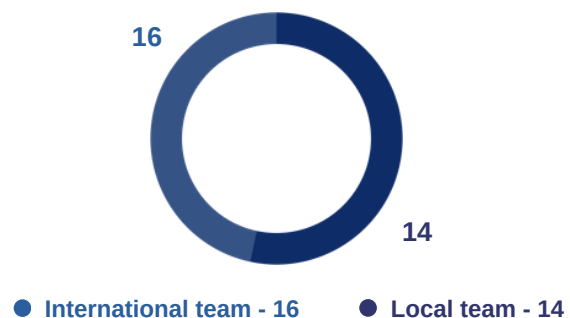
In addition, **23 volunteers** participated in our activities:

- 3 lawyers, members of the board of directors;
- 6 lawyers, law students or trainee-lawyers;
- 10 interpreters;
- 3 translators.

A permanent and volunteer team

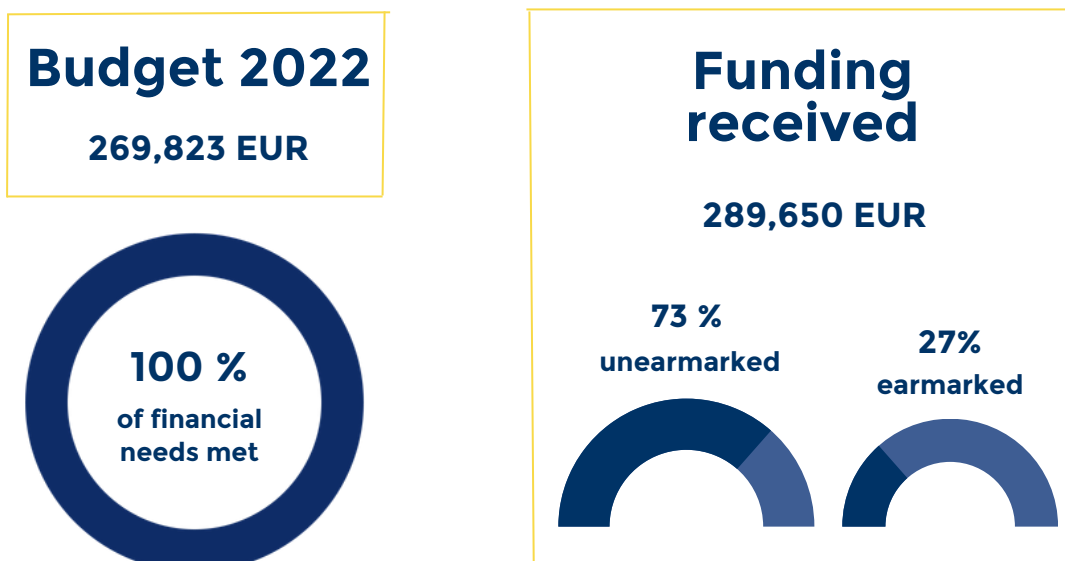


A local and international team



At the same time, the association hired **external consultants** for accounting and communication, as well as a lawyer to register the association in Greece and an auditor for the annual audit.

Financial situation in 2022



In 2022, many partner entities supported the project carried by ELA:

17 foundations and other entities

The Gratitude Foundation, the Lucq Espérance Foundation, the PAM Foundation, the UMPT Foundation, the Inkermann Fund, the Fondation du Grand-Orient de France, Secours Catholique, Aid Hoc, Choose Love, Safe Passage Foundation, MEAALLOFA Foundation, the Fund for Global Human Rights, SolidariTee, CCFD-Terre Solidaire, Humanity Now, BNP Paribas and ProjectElpida.

4 French bar associations and 3 law firms

The bar associations of Lyon (endowment fund Agir!), Marseille, Lille (endowment fund) and Essonne as well as the law firms DLA Piper, Medici (endowment fund Medici for Equality) and Acquis.

65 individual donations

We also received 65 individual donations through our HelloAsso page or directly to the association's account.

Thank you to Alexia, Amro, Anne-Sophie, Antonis, Benjamin, Bertrand, Camille, Caroline, Cecilia, Charles, Charlotte, Christine, Christophe, Clément, Clotilde, Cova, Denis, Didier, Elise, Eliza, Emmanuel, Estelle, Fanny, Farhad, Florence, Gaëlle, Geoffrey, Hélène, Henault, Laure, Laure-Lyne, Léa, Lucie, Lucile, Maëlys, Marine, Martin, Mélanie, Michiel, Milou, Mireille, Nicolas C., Pauline, Pierre, Romane, Dominique, Samantha, Serge, Séverine, Sophie, Sophie, Stéphane, Thierry, Tom, Viktorika, Yann and Yves.

**Thank you to all the people who continue to believe in our fight
and support our project!**

SUPPORT OUR ACTION



Financial report*

(January - December 2022)

Budget line	Estimated budget	Actual costs (January-June)	% absorption
1. Personnel costs			
1.1. Permanent team			
Executive director/lawyer (FR) - Full time	30,000	27,692	92 %
Project coordinator/lawyer (FR) - Full-time	33,600	31,503	94 %
Registered Greek lawyer (GR) - Full-time (1)	25,200	26,100	104 %
Registered Greek lawyer (GR) - Full-time (2)	20,350	21,250	104 %
Registered Greek lawyer (GR) - Part-time (3)	21,150	15,500	73 %
Fundraising & Donors relations (FR) - Part-time	25,200	22,046	87 %
Interpreter Farsi, Dari (GR) - Part-time	25,200	24,320	97 %
1.2. Volunteer staff			
Occasional interpreters - volunteer agreements	2,400	2,225	93 %
Volunteers lawyers/legal experts subsistence expenses	5,400	11,016	204 %
Travel Expenses	800	487	61 %
Sub-total personnel costs	189,300	182,138	96 %
2. Operating costs			
2.1. External consultants			
Accountant (GR)	5,400	0	0 %
Accountant (FR)	4,800	8,752	182 %
Lawyer (GR)	2,000	0	0 %
Certified translation (GR)	1,000	72	7 %
External financial audit	5,000	5,760	115 %
Consultancy: Communication	11,704	11,032	94 %
ISO certification	5,000	0	0 %
2.2. Office costs			
Rent	4,560	4,739	104 %
Utilities (electricity & water)	3,000	2,977	99 %
Phone/Internet subscriptions	1,800	1,117	62 %
Insurance costs	1,800	0	0 %
Office supplies	1,800	1,383	77 %
Banking costs (FR)	180	109	61 %
Banking costs (GR)	180	36	20 %
Other association's fees	1,800	1,938	108 %
Office design, equipment & appliances	2,000	1,349	67 %
Domain and hosting services	50	116	231 %
Sub-total operating costs	52,074	39,379	76 %
3. Specific mission costs			
Travel expenses	2,400	3,151	131 %
Representation fees	12,000	12,732	106 %
Sub-total specific mission costs	14,400	15,884	110 %
DIRECT COSTS OF THE PROJECT	255,774	237,401	93 %
Emergency cash reserve (5%)	12,648	0	0 %
TOTAL	268,423	237 401	88 %

* Provisional balance sheet, subject to the closing of the accounts by the association's accounting firm.

Costs distribution

268,423

**estimated
budget**

237,401

actual costs

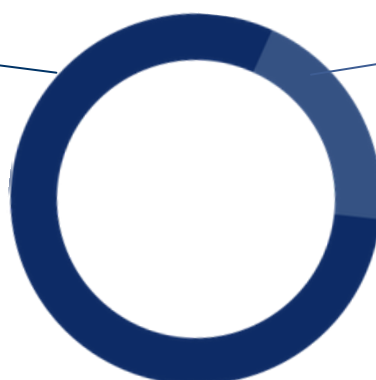
88 %

**of budget
absorption**

DIRECT AND INDIRECT COSTS OF THE PROJECT

**81 %
direct costs**

These are the costs related to the project activities. This heading covers the costs of staff who are directly involved in the implementation of the activities and the goods, equipment and services necessary for the implementation of the project (project coordinator, lawyers, volunteers' expenses, office expenses, legal representation costs, team travel costs, etc.).



**19 %
indirect costs**

These are the costs related to the general management of the association which do not contribute directly to the association's activities. They include in particular part of the remuneration of ELA's director, the person in charge of fundraising, external service providers in charge of the association's accounts, the annual tax audit, etc.

BUDGET BY TYPE OF EXPENDITURE



**76 %
staff costs**

The majority of the annual project budget covers human resource costs. This is due to the nature of the project (service provision) which relies mainly on its permanent team.



**17 %
operational costs**

They include all operational costs such as office rent and charges, external consultants who support the association and bank charges for example.



**7 %
specific mission costs**

This category includes the travel expenses of the members of the permanent team (travel to Greece or Europe during missions and travel of the lawyers to the asylum office or to the court), as well as the legal representation expenses for the appeal procedures followed by the lawyers of the association.



Annual report 2022

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