



Refugee Support Aegean (RSA) Annual Report 2023

Approved at the Extraordinary General Assembly of 14 February 2024

Contents

Refugee Support Aegean (RSA) in numbers in 2023.....	3
Introduction	4
Legal support	5
Shipwrecks & border deaths	6
Asylum procedure	7
Access to the procedure	7
Safe third country	7
Vulnerable groups.....	8
Recognised refugees.....	8
Psychosocial support.....	10
Interpretation and support to the health system	10
Support to pharmacies.....	10
Emergency humanitarian assistance	10
Research and advocacy	11
Publications	11
Comments on legislative proposals	11
Analysis of the Greek asylum system	11
Submissions to national, EU and international bodies	11
Contribution to parliamentary scrutiny and the work of monitoring bodies	12
Common European Asylum Systems (CEAS)	12
Rule of law.....	13
Communications	14
Media work and social media.....	14
Media interviews	14
Social media presence	14
Citations of RSA material	14
Organisation	15
Registration	15
Cooperation with the PRO ASYL Foundation	15
Synergies.....	15
Networks	15



Legal & Psychosocial Support

- 493** assisted asylum seekers and recognised refugees
- 18** annulment & suspension requests and actions before administrative courts
- 3** applications and requests for interim measures before the ECtHR
- 56** requests for humanitarian assistance
- 29** recipients of assistance in shipwreck incidents



Research & Advocacy

- 2** analyses of Greek and EU legislation
- 10** legal notes / reports on the Greek asylum system
- 4** submissions to national, international and EU bodies
- 16** interventions in conferences, seminars and hearings



Communications

- 45** interviews with domestic and international media
- 395** citations of RSA material by courts, stakeholders and media



Organisation

- 3** areas of activity in Greece: Chios, Lesbos, Athens
- 4** teams: Legal Support, Research & Advocacy, Communications, Finance & Administration



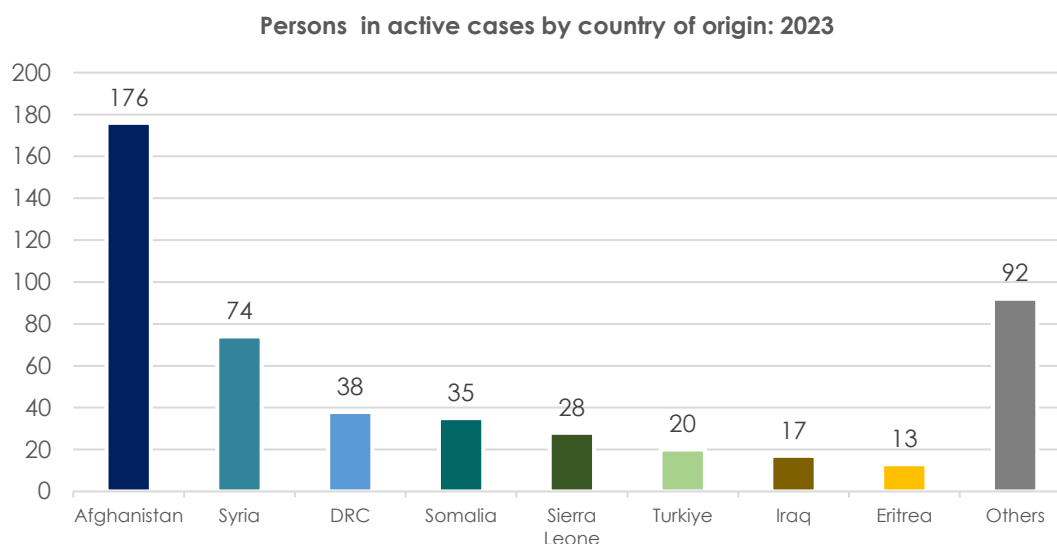
The main developments in the Greek asylum system in 2023 were as follows:

1. Pylos shipwreck of 14 June 2023 with over 500 dead and missing persons.
2. Persisting, systematic use of informal forced returns, including failure on the part of the Greek government to comply with interim measures indicated by the European Court of Human Rights (ECtHR).
3. Preliminary reference by the Council of State to the Court of Justice of the European Union (CJEU) regarding the national list designating Türkiye as a “safe third country”.
4. Political agreement between the Council and the European Parliament on the legislative instruments of the New Pact on Migration and Asylum, marking a worrying dismantling of the EU asylum *acquis*. The new instruments are expected to be adopted within 2024.



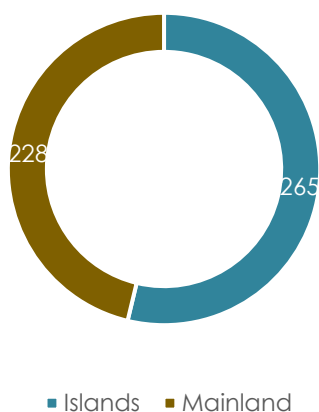
Legal support

The RSA Legal Support Team offered free legal assistance to **493 recipients throughout 2023**. Persons supported in active cases of the Legal Support Team in 2023 are distributed by country of origin as follows:



More than 50% of recipients of free legal assistance concern cases undertaken on the islands, mainly on Lesbos:

Persons in active cases by location: 2023



The Legal Support Team provides legal support and representation before competent administrative authorities (Asylum Service, Appeals Authority, Hellenic Police, Reception and Identification Service, Hellenic Coast Guard), independent authorities (Ombudsman), domestic administrative courts, the European Court of Human Rights (ECtHR), EU Agencies (EUAA, Frontex) and UN Committees on human rights.

In the course of the year, the Legal Support Team lodged, on behalf of RSA clients:

- 13** applications for judicial review of individual decisions before the Administrative Court of Athens and Thessaloniki and **4** requests for suspensive effect
- 1** compensation claim against the Greek State before the Administrative Court of Piraeus
- 4** requests for interim measures on custody before the Courts of Athens, Veria and Kilkis concerning single-parent families of refugees
- 1** application before the European Court of Human Rights (ECtHR) and **2** requests for interim measures under Rule 39 of the Rules of Court

RSA combines legal support activities with social support, research and advocacy through a holistic approach, aimed at highlighting general issues and challenges of the Greek asylum system at domestic and European level.

A detailed account of the activity of the Legal Support Team by area is provided below:

Shipwrecks & border deaths

RSA immediately mobilised resources following the shocking incident of the deadly shipwreck off the coast of Pylos on 14 June 2023. The “Adriana” trawler carrying approximately 750 people originating from Syria, Palestine, Egypt and Pakistan, including families, women and children, left Libya with Italy as its destination. The boat sank after three days at sea, despite being located in a timely manner by the responsible authorities. The boat was in the Greek search and rescue area, yet no rescue operation was activated at any point to respond to this extremely urgent case. Survivors’ testimonies report that the Hellenic Coast Guard attempted to tow the trawler on the evening of 13-14 June 2023. This caused a dangerous rocking of the boat and resulted in its capsizing and sinking, taking all passengers trapped inside its hold to sea. A total of 104 people were rescued alive and 82 bodies were retrieved from the sea, while hundreds more are missing. These events demonstrate the criminal actions and omissions perpetrated by the Hellenic Coast Guard against all passengers in breach of basic human rights such as the right to life, to bodily integrity and to security. In addition, Frontex staff did not take the necessary actions to protect people in distress at sea, as they refrained from acting in line with the Agency’s broader mandate to guarantee the protection of fundamental rights, as required by its statutory Regulation.

The rescued survivors were treated as illegal migrants by the Greek state. They were detained in a warehouse in Kalamata under unacceptable conditions. They were then transferred to the Reception and Identification Centre of Malakasa (Attica area) where – no more than a few days after the shipwreck – they had their asylum claims examined.

RSA’s response: A holistic strategy and durable legal, social and humanitarian assistance to victims. With support from the PRO ASYL Foundation, we systematically support the cases of survivors, as well as of relatives of dead and missing persons from the tragic shipwreck. From the very first days following the shipwreck, RSA stood besides survivors and offered every possible legal, psychosocial and humanitarian assistance to the victims of this tragedy. Following a series of meetings and an assessment of the facts of the case together with four other organisations and groups, the Network for Support to Refugees and Migrants, the Hellenic League for Human Rights (HLHR), the Greek Council for Refugees and the Initiative of Lawyers and Jurists of the Pylos shipwreck, on 13 September 2023 RSA lodged on behalf of 40 survivors a criminal complaint to the Piraeus Naval Court Prosecutor against every responsible party. We

have further submitted requests to locate and use all potential indications and evidence related to the incident as regards various contested elements. RSA legal assistance is systematically provided and continues to date.

Asylum procedure

Access to the procedure

Informal forced return (push back) operations and other prevention practices continue to put lives at risk on a daily basis at Greece's land and river borders, as well as in the Aegean. These practices are even pursued in cases of asylum seekers already arrived on Greek territory, amounting to "abduction" operations. At the same time, Greece does not carry out any effective criminal or administrative investigation into the circumstances of any of the alleged incidents. Newly arrived refugee families are often violently separated during these push backs.

Forced separation of families and of children from their parents is only one of many consequences of Greece's unlawful push back policy. Throughout 2023, lawyers of the Legal Support Team made every possible effort in their support to reunite separated family, in the face of difficult, uncertain processes. The case of **Abas*** and **Basir*** is indicative: the two men were violently separated from their spouses and children who were subjected to a push back after having disembarked on Lesbos island in early 2023. RSA provided legal support to record the informal forced return incident before the Recording Mechanism for such incidents and before the Greek Ombudsman as National Mechanism for the Investigation of Arbitrariness Incidents. The Ombudsman called on the Hellenic Police and Hellenic Coast Guard to investigate the incident with a view to assessing responsibility for acts and omissions of their personnel. RSA also secured remote interview of the two spouses, informally returned by the Greek authorities to Türkiye, with the Frontex Fundamental Rights Officer who in turn launched a Serious Incident Report (SIR) investigation on the case. This made an important contribution to efforts to substantiate and investigate similar incidents.

In the case of **Zarifa***, whose younger son was separated from his mother and brother after a push back in the Evros region, the Greek authorities perpetrated two more push backs of the underage child within 2023 despite prior notification of the Prosecutor and interim measures from the ECtHR to ensure assistance to the child and to guarantee its presence in Greece.

Safe third country

Greece insisted on its arbitrary practice of dismissing asylum claims without assessing them on the merits, on the ground that Türkiye has been designated in a national list as a "safe third country" for refugees from Syria, Afghanistan, Somalia. The Asylum Service dismissed more than 3,000 applications based on the "safe third country" list in 2023.

The Greek "safe third country" list referred to the CJEU

On 3 February 2023, the Plenary of the Greek Council of State referred [preliminary questions](#) to the Court of Justice of the European Union (CJEU) in relation to the national list designating Türkiye as a "safe third country". The ruling was issued on a judicial review application by RSA and the Greek Council for Refugees. This case marked the first preliminary reference by a Greek court on asylum matters. The Case C-134/23 *Elliniko Symvoulío gia tous Prosfyges* will be examined by the CJEU in March 2024.

Moreover, RSA contributed to strengthening case law on the "safe third country" concept through its legal support to cases on the islands and mainland. The team

secured important precedents from administrative courts on judicial review of Appeals Committee decisions:

- ❖ **Administrative Court of Athens No 103/2023** recalled the Greek authorities' duty to evaluate the "safe third country" criteria based on the applicant's individual circumstances. The case at hand concerned a single woman with four minor children. The Court annulled the rejection of the asylum application and deemed that the Appeals Committee erred in deciding that a connection to Türkiye may be established merely due to the presence of 2.7 million Syrian refugees in the country.
- ❖ **Administrative Court of Athens No 384/2023** and **No 1260/2023** annulled Appeals Committee decisions on the ground that they did not take into consideration the applicants' victim of torture status when assessing whether Türkiye was a "safe third country" for them. In the latter case, the Administrative Court of Athens also annulled the Appeals Committee decision due to its use of out-of-date sources, dating four years prior to its delivery.

An RSA [complaint](#) to the European Commission on infringement of the Charter of Fundamental Rights and the EU *acquis*, on account of the arbitrary rejection of a Syrian refugee and torture survivor's asylum claim based on the "safe third country" concept despite the manifest lack of readmission prospects to Türkiye, is still pending to date.

Vulnerable groups

In 2023 too, RSA continued to highlight critical deficiencies of the Greek asylum and reception system with regard to the identification of vulnerable persons and to the provision of special procedural guarantees thereto.

Support to victims of torture and serious violence on Lesbos

RSA continued for the fourth year the project that has been implemented since 2019 in partnership with Médecins sans Frontières (MSF) to support victims of torture and serious violence in Lesbos. In 2023, a total of **207 people** benefited from free legal assistance at all stages of the asylum process, upon referral by MSF.

As for mainland Greece, the Legal Support Team offered assistance and representation to vulnerable groups of refugees such as single women with minor children residing under harsh conditions in camps e.g. **Golsum*** in Ritsona, **Nooria*** and **Shabnam*** in Malakasa, **Zarifa*** in Thiva, **Raheel*** in Alexandria and **Leyla*** in Polykastro.

Many of the above mothers faced serious obstacles to accessing documentation and rights due to matters relating to custody of their children. RSA lawyers supported them in family law proceedings, namely interim measures for custody, before Greek civil courts e.g. Athens, Kilkis and Veria.

Recognised refugees

Throughout 2023, RSA provided free legal assistance to at least **66 beneficiaries of international protection, including 19 people returned to Greece** through readmission procedures from other European countries e.g. Germany, Sweden, Switzerland.

Supporting these cases allowed the Legal Support Team to continue its thorough documentation of barriers to recognised refugees' effective access to documents and socio-economic rights. The extremely length process for the renewal of residence permits and passports of recognised refugees by the Asylum Service remained a key issue in 2023. Severe delays exceeded one year in the case of **Shafizada***, a young

Afghan woman returned from Sweden, or ten months in the case of **Akel***, a Syrian man returned from Germany.



Interpretation and support to the health system

Throughout the year, the daily provision of a Farsi-speaking interpreter continued at the "Vostanio" General Hospital of Lesbos, the only one to provide such services after the withdrawal of the other organisations from this specific scope in September 2022.

Support to pharmacies

At the same time, support to local pharmacies in four Aegean islands that have operate Closed Controlled Access Centres (Lesvos, Chios, Samos) continued successfully, with the aim of supporting asylum seekers and recognised refugees who did not have the money to cover costs of medication. This provided significant relief totalling approximately 2,500 € for several hundreds of people who would otherwise be left without the relevant coverage to deal with chronic or emergency conditions

Emergency humanitarian assistance

The RSA social worker in Athens played a decisive role in optimising support to people receiving legal assistance. A series of actions were carried out (meetings, recordings, escorts, referrals, social reports, etc.) aiming to empower individuals or families, as well as supporting the legal procedure where deemed necessary. Activities of the social worker in 2023 included:

- 189** meetings with clients
- 67** connections to services
- 41** escorts to services **3** escorts for medical and paramedical purposes
- 38** referrals to services
- 94** actions to strengthen the social service
- 7** social records

RSA offered monthly rent coverage for three families from Syria, Afghanistan and the Democratic Republic of Congo (DRC) and for a young adult from Pakistan who faced homelessness. A total of nine people were supported, including four children.

In addition, RSA offered monthly humanitarian assistance in kind (mainly supermarket vouchers) to **28 clients and vulnerable families** facing severe subsistence challenges mainly in Attica and Lesbos.



RSA uses research and advocacy to highlight issues and to contribute to the work of national and international bodies responsible for monitoring international and European law through a holistic approach combining liaison with monitoring institutions and procedures with legal action, research and communications.

Publications

Throughout 2023, the Research & Advocacy Team released – as a rule in two languages (Greek and English) – at least 16 analysis and comments papers on areas of RSA work:

Comments on legislative proposals

- ❖ EU Council supports a quagmire of asylum procedures: The implications of the APR and AMMR mandates for Greece and the EU, Jun 2023
- ❖ Comments on the draft Immigration Code, Mar 2023

Analysis of the Greek asylum system

- ❖ Greek Asylum Case Law Report, Issue 2/2023, Dec 2023 (with GCR, HIAS Greece)
- ❖ Greek Asylum Case Law Report, Issue 1/2023, Jun 2023 (with GCR, HIAS Greece)
- ❖ What is happening today in the refugee structures on the Aegean islands, May 2023
- ❖ Immigration detention in 2022: Sharp rise in detention orders, no access to remedies and legal aid in Greece, Apr 2023
- ❖ Beneficiaries of international protection: Access to documents and socio-economic rights, Mar 2023 (with Stiftung PRO ASYL)
- ❖ The Greek asylum procedure in figures in 2022: Analysis of main trends in refugee protection, Mar 2023
- ❖ Registration of asylum applications in the new mainland RIC in Greece, Feb 2023

Submissions to national, EU and international bodies

- ❖ Beyond Farmakonisi: The responsibility of the Greek Coast Guard for human rights violations at sea, Sep 2023 (submission to the Council of Europe Committee of Ministers, with Stiftung PRO ASYL)
- ❖ The state of the Greek asylum system, twelve years since M.S.S., Jul 2023 (submission to the Council of Europe Committee of Ministers, with Stiftung PRO ASYL)
- ❖ The role of the European Commission in the implementation of the EU asylum acquis on the Greek islands, Jan 2023 (submission to the European Ombudsman, with HIAS Greece)
- ❖ Rule of law backsliding continues in Greece, Jan 2023 (submission to the European Commission Rule of Law Report, with Vouliwatch, GCR, HIAS Greece, Reporters United, Generation 2.0)

In addition, RSA advocated its positions through contact with institutions such as the European Commission and European Parliament, as well as **presentations and interventions** by RSA staff in at least 11 discussions, conferences and seminars organised in 2023 at national and European level:

European Parliament	Greens Migration sub-Working Group	8 Feb 2023
European Union Agency for Asylum (EUAA)	Workshop on legal assistance in asylum procedures	1 Mar 2023
Hungarian Helsinki Committee & Hertie School	STARLIGHT – Workshop on legal assistance on asylum	23 May 2023
Centre for European Policy Studies (CEPS)	Instrumentalisation Regulation substitute impact assessment	12 Jun 2023
Swiss Refugee Council	Legal Congress	12 Sep 2023
European Implementation Network	EIN Civil Society Briefing: <i>Safi v. Greece</i>	15 Sep 2023
UNHCR	The Future of European Asylum Policy: Enhancing Protection through Comprehensive Responses to Mixed and Onward Movement	18 Oct 2023
National Commission for Human Rights	Hearing on human rights defenders	1 Nov 2023
Max Planck Institute	Prospects for Reforms, Fundamental Rights and Advocacy in the EU's Migration and Asylum Policy	16 Nov 2023
Border Violence Monitoring Network	Understanding the New Pact: How the EU is abolishing the right to asylum	27 Nov 2023
UNHCR	Consultation on expulsion of refugees and asylum seekers	1 Dec 2023

Contribution to parliamentary scrutiny and the work of monitoring bodies

In the course of 2023, the RSA Research & Advocacy Team maintained its active engagement with national, EU and international institutions to promote the protection of refugee rights, strengthen the Greek asylum system and counter the decline of the country's institution. Core areas of the team's advocacy over the past year included the reform and implementation of the Common European Asylum System (CEAS), and monitoring of the state of the rule of law.

Common European Asylum Systems (CEAS)

Negotiations on the New Pact on Migration and Asylum

The agreement reached on 8 June 2023 by European governments in the Council of European Union on the pending proposals of the reform of the Common European Asylum System (CEAS) as part of the New Pact on Migration and Asylum marked 'the beginning of the end' of EU asylum law. The Research & Advocacy Team **documented** the main tenets of the Council mandate and their **nefarious effects** on refugee protection and Europe's asylum systems, not least through the expansion of the "safe third country" concept, restrictions on access to the asylum procedure and entrenchment of broad derogations from EU rules in circumstances of "crisis", "*force majeure*" and "instrumentalisation". Despite calls to the European Parliament to oppose a dismantling of the CEAS, the Council positions were **approved** – nearly intact – on 20 December 2023 and are expected to be adopted before the 2024 European elections.

RSA advocacy work also focused on the implementation of existing EU standards in Greece and on the sound functioning of EU monitoring institutions.

Monitoring of the workings of the European Commission Task Force Migration Management

The Research & Advocacy Team placed great emphasis on the need for more transparency in the work of the Task Force Migration Management set up by the European Commission after the destruction of the Moria camp in September 2020.

Together with HIAS Greece, RSA made a [submission](#) to the European Ombudsman in the context of its inquiry on fundamental rights compliance in the new migrant reception facilities on the Eastern Aegean islands. Our observations contributed to the institution's [Decision](#) of 7 June 2023, which made concrete recommendations to the Commission's Task Force *inter alia* on systematic dialogue with civil society and on disclosure of minutes of its meetings with the Greek authorities.

In addition, the Research & Advocacy Team supported initiatives of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) aimed at effective scrutiny of the workings of the Task Force Migration Management. The Head of the Task Force was invited to a meeting of the LIBE Coordinators on 24 January 2023 and responsible European Commissioners were called to a LIBE hearing on 5 June 2023, where they were asked targeted questions on matters such as the Commission's rejection of complaints relating to infringements of EU law solely by referring to the activities of the Task Force and without further assessment.

Advocacy activities by RSA contributed to activating dialogue between the European Commission and civil society. Further to its request for regular participation in Working Groups coordinated by UNHCR on asylum, the Commission was included in the regular meetings of the CEAS Sub-Working Group, chaired by RSA.

[Rule of law](#)

In 2023, the European Commission received the first [joint civil society report](#) on the state of the rule of law in Greece, as part of a collective initiative of RSA, Vouliwatch, Reporters United, the Greek Council for Refugees, HIAS Greece and Generation 2.0. Civil society input on the annual Rule of Law Report where the Commission monitors the rule of law focused on key breaches, ranging from the disappearance of people seeking asylum in Greece and ineffective investigation of ill-treatment incidents, to the criminalisation of organisations assisting refugees and migrants, the lack of transparency and accountability in political money e.g. asset declaration, deficiencies in law-making, government interference in media, abusive SLAPPs and surveillance of journalists and politicians through National Intelligence Service wiretapping and Predator spyware.

The findings of the report formed a strong basis for the work of EU institutions and for in-depth discussions during the 17 March 2023 visit of the European Commissioner for Justice and during a mission of the LIBE Committee of the European Parliament, both involving RSA participation.



Media work and social media

Media interviews

Throughout 2023, RSA staff members gave at least 45 interviews to local, national and international media.

RSA released a report titled '[What is happening today in the refugee structures on the Aegean islands](#)', compiling research on conditions in the Closed Controlled Access Centres (CCAC) on the islands of Lesbos, Chios, Samos, Leros and Kos. The publication received wide, durable media coverage as it provided a comprehensive picture of the conditions prevailing in EU-funded camps. It gave evidence of serious issues facing asylum seekers who live in remote areas under disproportionate security and surveillance measures, subject to alleged violent behaviour from law enforcement and to severe gaps in legal assistance, medical care and interpretation. It also pointed to a lack of basic necessities due to lengthy public procurement, to the phasing out of non-governmental organisations' presence and to delays in the disbursement of the monthly financial allowance offered to asylum seekers.

Furthermore, RSA was the first non-governmental actor in Greece to publicly respond to the Pylos shipwreck and to call for urgent measures to ensure respect for survivors and for those deceased. Due to its immediate reaction, RSA became a main contact point in the international media coverage of the incident. Team members gave interviews to over 60 newspapers and TV channels including Al Jazeera, The Guardian, BBC World, BBC Radio, LBC, expressing constant interest in the different aspects of the tragic event still to this day. One month following the shipwreck, we released a complete [timeline](#) and archive of a tragedy that could have been avoided, with data obtained from public sources. RSA documentation was decisive in mobilising strong official responses to the shipwreck: (i) RSA material was used by the Council of Europe Commissioner for Human Rights in a letter to the Greek government regarding the shipwreck and its investigation; (ii) RSA figured among selected civil society organisations consulted by the European Ombudsman in relation to the role of Frontex in the shipwreck.

Social media presence

RSA maintains a strong social media presence and posts daily original content followed by charts and updates from the field on X (Twitter), Facebook, Instagram and Bluesky.

Citations of RSA material

RSA publications continued to contribute to the work of jurisdictions in other countries, EU institutions, international organisations, civil society organisations, researchers and the media.

RSA recorded at least **395 citations of its material** in 2023, including **103 in case law of foreign jurisdictions**, namely in Germany, Belgium, Austria, Switzerland and Iceland, relating to living conditions and the rights of beneficiaries of international protection.



Organisation

RSA counts 15 staff members, including 7 lawyers, active on Chios, Lesvos, Athens and Crete. The [organisational structure](#) of the organisation, available on its website, comprises of the following teams: Legal Support, Research & Advocacy, Communications, Finance & Administration.

In addition to its Chios headquarters, RSA operates branch offices in Athens and Lesvos.

Registration

Ministry of Migration and Asylum Registry of Greek and Foreign NGOs

Registry Number 3142

EU Transparency Register

Registry Number 583270644066-47

Cooperation with the PRO ASYL Foundation



Since its establishment, RSA has been supported by the **PRO ASYL Foundation**, a leading human rights organisation in Germany, has RSA as its exclusive partners in Greece, and has undertaken joint actions in 2023 at national and European level.

Synergies

RSA continued to receive referrals of particularly vulnerable patients of **Médecins Sans Frontières (MSF)** on Lesvos, under a memorandum of understanding launched in 2019. Free legal assistance is provided at all levels of the asylum procedure and on matters relating to reception conditions, focusing on the vulnerability of recipients.

Networks

RSA is a founding member of the **Informal Forced Returns Recording Mechanism** of the Greek National Commission for Human Rights. The first interim report of the mechanism was published in early January 2023. RSA contributed with a total of eight records for the year 2023.

RSA is an active member of the **Racist Violence Recording Network** and consistently records racially motivated violence on the islands of Lesvos and Chios, as well as the mainland. RSA contributed to the annual report with two records of incidents on Lesvos and Crete.

Finally, RSA participates in regular meetings of the Legal Aid Working Groups organised by UNHCR on Lesvos, Chios and Athens. It also chairs the CEAS Sub-Working Group which as of 2023 involves regular meetings with the European Commission Directorate-General for Migration and Home Affairs (DG HOME). RSA also participates in meetings of the Advocacy Working Group of civil society organisations in Athens.



Refugee Support Aegean (RSA)

Iasona Kalampoka 30

82132 Chios, Greece

+30 22711 03721

info@rsaagean.org

<http://rsaagean.org/>