



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME.C.4/AS

Dear Minister, dear Notis,

I would very much like to thank you for the good and frank discussion we had some days ago on the developments and challenges regarding migration management in Greece. We are pleased to see the progress made in many areas, particularly the start of the building works on the islands, the reduction of the backlog, the presence of further medical staff and the take-over of the ESTIA accommodation scheme.

As promised, I would like to get back to a few issues with further information such as the integration of beneficiaries of international protection, the reception and asylum systems, some financial aspects and education. I am also keen on further discussing how the Commission can best support the Greek authorities to address these remaining challenges.

Integration of beneficiaries of international protection

I commend the significant progress that the Greek Asylum Service has achieved under your leadership in the processing of pending asylum applications. As this has resulted in an increasing number of beneficiaries of international protection, the Commission is ready to work with you and the Deputy Minister intensely to commence the necessary large scale integration programmes.

The early provision of information to asylum seekers about the rights and obligations after the end of the asylum procedure, actions to facilitate the integration of refugees and their smooth transition to independent living, such as the development of employability skills and effective access to the labour market might help to avoid their long-term stay in the reception system or systematic secondary movements. A modern and innovative integration strategy would be of paramount importance for Greece to enhance the prospects of those receiving protection status.

We have discussed before the need to work under the Helios project, to set in motion, in a timely manner, a follow-up project under the ESF+ or make wider use of the ongoing national schemes for support to the homeless. As you know, we need to progress on the creation of the centre for beneficiaries of international protection which was discussed and agreed many weeks ago with the Athens municipality and the Ministry of Migration and Asylum but has not yet materialised. Unfortunately as discussed, the Commission

Mr Notis Mitarachi
Minister of Migration and Asylum

cannot continue to finance under emergency assistance any hotels for beneficiaries of international protection beyond what was agreed – 2500 people until end of February and 300 people with vouchers until end of March 2021. I would like to commend your successful efforts in this regard, notably having already finished the majority of the hotel scheme at the end of 2020.

Reception system and capacity – construction of new centres

You mentioned the intention of the Greek authorities to focus on more in-kind support to asylum seekers instead of cash allowance. While in-kind services can of course be part of the material reception conditions, the latter have to include a cash component according to EU law. Moreover, the cash allowance preserves the dignity, autonomy and flexibility of beneficiaries, it supports local markets and lays the foundations for communities' recovery and resilience. It is in this context that we discussed and agreed on the need to urgently proceed with preparations for the transfer of the ESTIA cash scheme from UNHCR to the Ministry on 1 July 2021 since the emergency funding to UNCHR is expiring.

I would like to underline again the need for adequate reception conditions in all reception and accommodation facilities across the country. I understand that the situation in the majority of them is already adequate, but in some there are persisting problems to be addressed.

I know that our services are in close contact about the creation of the new Multi-Purpose Reception and Identification Centres on the islands. Their construction and operation have to be in line with the EU standards and, among others, not limit unnecessarily the freedom of movement of their residents. I would like to thank you for agreeing to “de-wire” the current IOM-built part of the new Samos Reception and Identification Centre in this respect. Such practice should not be repeated in the new Multi-Purpose Reception and Identification Centres in areas where it is not really needed. Whilst external fencing is necessary for safety reasons, internal fencing should be very limited and separation of areas can be achieved in a non- intrusive way. Cooperation with EASO and the Fundamental Rights Agency in the framework of the Task Force on this matter as well as on the overall design and construction of the Multi-Purpose Reception and Identification Centres will be key, as agreed under the Memorandum of Understanding for the Joint Pilot on Lesbos.

Situation on Lesbos

I very much appreciate the daily efforts of the Greek authorities in cooperation with the international organisations for the improvement of the reception conditions in the temporary Mavrovouni facility. We know the planning agreed and signed by the international organisations and the Technical Department of your Ministry has for a variety of reasons on all sides suffered serious delays. This is leading to concrete problems, such as for example a gap in the provision of water. The relevant contract with the water-truck company will end on 31 March when the water network was supposed to be ready and connected to the municipal pipe. As the completion of the project has been postponed our colleagues in the Task Force have started to discuss this matter to find a solution.

Concerning the issue of lead in the soil of certain points in the Mavrovouni facility I wanted to take this opportunity to ask about the mitigation measures that were announced at end-January. I would be thankful if you confirmed whether the necessary measures

have been taken and when the follow-up tests to ensure there is no more risk for lead contamination are performed. I trust that the announced mitigating measures are taken swiftly, including fencing of the area where elevated levels of lead were found, at the foot of the hill, the additional covering of areas with uncontaminated soil and gravelling and the installation of a cement base for the administrative buildings area.

Education for children

Obviously circumstances are difficult for all children in Greece and I would not ask for more than equal treatment for those in the reception facilities. However, we get reports that many children in mainland reception facilities cannot go to school either because of transportation difficulties or because the current COVID restriction measures are interpreted in a discriminatory way. Given it is mandatory to grant minors access to the education system under similar conditions as for nationals (within 3 months of the lodging of the asylum application), I have asked my colleagues in cooperation with your Ministry to take this up with the Education Ministry during their next visit. In parallel, it is of significant importance that non-formal education activities take place smoothly and uninterrupted in the sites and reception facilities.

Financial management – outlook

As discussed, in view of the transition to the new Multiannual Financial Framework, 2021 is a key year where additional efforts and decisions are to be made to plan the needs in Greece in a strategic and long-term manner. Our support aims at the finalisation of the Financial Plan for 2021 which would help you to identify the way forward when the ongoing emergency assistance support will end as of June 2021. The Commission will not have access to new funding until the formal adoption of the legal basis and work programmes for the next Home Affairs Funds take place, de facto earliest in autumn. However, you can already frontload the new allocation of the HOME Funds under shared management since actions are already eligible. You have indicated to me orally that advancing the financing from the national budget for bridging all key reception projects (ESTIA cash, Site Management Support, HELIOS integration) would be feasible and I am grateful that we can continue to work on the details of this strategic planning.

Another important element which could greatly assist would be to consider proceeding with the granting of VAT recovery to the International Organisations like UNHCR and IOM. We are currently exploring with these organisations and your services to identify further savings under ongoing emergency assistance projects so as to also help to bridge gaps until the new legal acts for the next EU funding period are in place. Therefore, efforts from all sides are key to ensure continuous support to the migration management in Greece.

More details are set out in the Annex to this letter.

Greek asylum legislation

We have witnessed the improvements that last year's Greek law on international protection brought to the asylum procedure. There are still some elements in the Greek legislation that have raised concerns and have been the topic of complaints or reports that we have received from non-governmental organisations (NGOs) active on migration in Greece. While we welcome that the activities of NGOs are well framed and that their services and funding must respond to strict rules and transparency, it is important to

ensure that the NGOs, which are supporting the Greek authorities to provide relevant services to the migrant population, can continue to do so.

The provision of legal assistance at first instance and legal representation at second instance and for detainees is a legal obligation under EU law. I understand that since the EU funding of projects, which include actions in this respect, finishes in June 2021, the Greek authorities plan to scale up the provision of these services.

We have discussed the situation of persons with negative admissibility decisions who cannot be returned to Turkey today. I share your concerns about the predicament of this category of persons, including in the current health situation, and I am keen to explore with you further solutions in this respect.

Relocation and Dublin transfers

As discussed we have been in contact with France and Portugal to further support them in increasing their transfers of unaccompanied minors who are affected by COVID-19 problems. I welcome the fact the Special Secretary for unaccompanied minors is considering if unaccompanied minors currently living in shelters could be considered eligible for relocation.

In addition, there are Member States that are ready to take people from Greece under the Dublin Regulation but it seems to be difficult for Greece to follow up on these transfers within the legal deadlines of six months.

I and my services remain available to discuss and provide any clarifications needed and I would appreciate if we could take again stock soon together.

I know you are making considerable efforts to address the migratory challenges in Greece and I would like to thank you again for that. We have seen improvements in many areas but we know that the journey is a long one. You can count on our continuous support.

Since I am addressing a number of issues that have a larger impact, I copy this letter to State Minister Gerapetritis and Deputy Minister Voultepsi.

Yours sincerely,

Monique PARIAT

Annex

- 1) Legal issues:
 - a. NGOs are complaining that the conditions for registration are burdensome, disproportionate and unclear (e.g. application limited to NGOs active in the field of migration, regarding audit requirements, the payment of a fee, and 2 years of prior activity)
 - b. Specific issues of compatibility of the Greek legislation with the EU acquis, which the Commission raised to the Greek authorities when the legislation was adopted in May 2020 such as rules on detention, on the examination of applications in certain cases, and on the types of decisions that can be taken.
 - c. Issues of implementation, e.g. with regard to guardianship; reception conditions for vulnerable persons; access to the asylum procedure on the mainland, in particular from police stations and for persons in detention; access to education; confidentiality obligation for NGOs.

- 2) Financial situation and next MFF
 - a. No emergency assistance will be available to cover for after June 2021. This creates the need for a successful and timely takeover of important projects such as Site Management Support, Helios and ESTIA CASH.
 - b. The new Home Affairs Funds have been reinforced, resulting in higher amounts in the future Member States' national programmes, including Greece. These programmes are the principal tool to strategically programme the needs for Greece for the next seven years. They have to be programmed in a cost-efficient manner though since Greece cannot assume that the allocation will automatically be reinforced.
 - c. Any expenditure falling into the scope of the new legal basis incurred now can already be covered by the new Member States' programmes under the Home Affairs Funds, as the implementation period has already started on 1 January 2021.
 - d. There will be no initial pre-financing payment, only annual ones ranging from 3% to 5% of the total allocation to the Member States programme. Several reimbursements requests will be allowed during the year. This will require additional efforts on the side of the Greek authorities to increase the currently low and slow absorption capacity by ensuring that expenditure is declared to the Commission rapidly and regularly. The management of the Responsible Authority will be crucial.
 - e. Thematic Facilities will provide the possibility to complement the relevant national programmes of Member States through Specific Actions (top ups of the National Programmes) and Union actions (transnational project and projects of Union interest), which will serve to address specific priorities. These priorities will have to be agreed by all Member States in comitology.
 - f. The use of emergency assistance funding is strictly framed by a reinforced definition of an emergency situation which allows the disbursement of emergency assistance funding only to address exceptional migratory situations in a Member State following a large inflow of third country nationals.
 - g. Importance of factoring in the Greek strategic planning and exploring possible avenues of using also other EU financial instruments and Funds such as the Recovery and Resilience Facility or the European Social Fund

which can certainly support Greece extensively in managing the migration related challenges.

3) Reception conditions

- a. IOM will cease to be present in the mainland camps as of July 2021. This includes protection activities, case-management and referrals as well as legal aid.
- b. To enable the applicants' access to the Ministry's online platform and the asylum procedure internet provision in all reception and accommodation sites is needed.