

European Lawyers in Lesbos

ANNUAL REPORT 2021



Foreword

The year 2021 marked five years since a small team of dedicated ELIL staff and volunteers first started supporting asylum seekers on Lesbos. Our work is based on the belief that meaningful access to legal assistance is a fundamental right and integral to ensuring human rights are respected and the rule of law is upheld.

After years of work on Lesbos and, more recently, Samos, ELIL has now entered a key new phase. In response to a shifting context that saw thousands of people transferred to the Greek mainland at short notice, we have opened an office in Athens. As part of this new project, we have already assisted hundreds of people, including cases that we had previously followed on the islands. In the coming year, ELIL plans to launch a new project in Thessaloniki.

ELIL has been able to grow and improve year after year thanks to the incredible work of our staff and volunteers from around the world, who dedicate their time to ELIL based on the shared understanding that everyone should have a chance to live in safety, free from the threat of war and persecution.

Since 2016, we have developed a highly flexible legal assistance model that can help to meet an enduring need in Greece and further afield. I look forward to carrying this shared success forward into the coming year.

Philip Worthington
Managing Director



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Context

2021 brought seismic changes to the legal landscape for asylum seekers in Greece. They faced a hardening of attitudes at domestic and EU level and experienced an increasingly strict asylum process that emphasises speed and threatens the rule of law and access to justice.

In January 2021, there were over 19,000 asylum seekers and refugees on the Aegean islands, most of them on Lesbos and Samos. In the course of the year, thousands of people were transferred to mainland Greece at short notice. Many of them were vulnerable and in need of legal assistance.

The year also saw the continuation of certain concerning trends in the asylum process, with an emphasis placed on speed. ELIL's lawyers assisted many people whose interview date was set almost immediately after their arrival and many others who were called for interview at very short notice, often just a few days in advance.

In June, the Greek authorities issued a Joint Ministerial Decision that designated Turkey as a safe third country for people arriving from Afghanistan, Somalia, Bangladesh, Pakistan and Syria. Nationals of these countries must now go through an admissibility interview in which they must overturn the assumption that Turkey is safe for them. Only if they are able to do so will their substantive asylum application be examined. These nationalities make up over 65% of the asylum seeker population in Greece, meaning that the majority of asylum seekers in Greece are at risk of being denied a substantive assessment of their claim.

Major international events also had an impact on the situation for asylum seekers in Greece. In August, the Taliban took control of Afghanistan. As well as displacing tens of thousands of people, this shift had major implications for the situation of the many Afghan asylum seekers in Greece. ELIL's lawyers supported hundreds of people in submitting new asylum requests (subsequent applications) based in the deterioration of conditions in their home country.



EU-Turkey Deal

“In March 2016, the EU-Turkey Statement created a legal crisis which, over the past five years, has stranded tens of thousands of people in Greece whilst their claims for asylum are processed. The establishment of ELIL was motivated by two key beliefs. First, that meaningful access to legal assistance is a fundamental right and integral to ensuring human rights are respected and the rule of law is upheld. Secondly, that the situation in Greece is not just a Greek issue, but a European one.”

Philip Worthington, ELIL Managing Director



Beyond the Numbers

Many of those we assisted in 2021 felt the effects of the Joint Ministerial Decision of June 2021 which designated Turkey as a safe third country for nationals of five countries.

One person affected was a young man who landed on Lesbos more than a year ago, when he was a minor. When ELIL took on his case in April 2021, he had turned 18 and was still waiting for his asylum interview, a delay which caused him a great deal of mental stress. By the time the ministerial decision was issued, he had already attended several consultations with ELIL to prepare him for his first instance interview. On learning that he would be required to discuss whether it was safe for him to return to Turkey – where he had lived through several traumatic circumstances as a minor – the applicant experienced considerable distress.

ELIL helped to prepare him for his interview a second time, represented him and submitted a legal memo. In July, he was informed that his case was admissible and that his eligibility interview was set for the following day. Despite the short notice, our team scheduled a final preparation and supported him during the process. One month later, the young man was recognised as a refugee.

Where We Worked

ATHENS

Between September 2020 and the end of 2021, almost 15,000 people were transferred from the Aegean islands to mainland Greece at short notice. The vast majority of them were vulnerable and at significant risk of not being able to consult with a lawyer, missing their appointments and relevant deadlines and, ultimately, having their case closed. To meet this need, in May 2021 ELIL opened a new office in Athens. By the end of the year, we had already provided tailored legal assistance to over 450 people.

As well as serving the thousands of people already in mainland Greece, ELIL's new team in Athens provided on-going assistance to those who move from the islands to the mainland, seeking to ensure that they could receive support throughout the whole asylum process.

AEGEAN ISLANDS

Although numbers remained low, people continued to arrive on the Aegean Islands. In 2021, there were 4,109 officially registered sea arrivals to Greece. In the same period, more than 50 people lost their lives attempting the dangerous crossing from Turkey to Europe.

Concerns were raised over the course of the year regarding the lockdown conditions placed on the island camps, which saw asylum seekers increasingly isolated and unable to access many critical services.

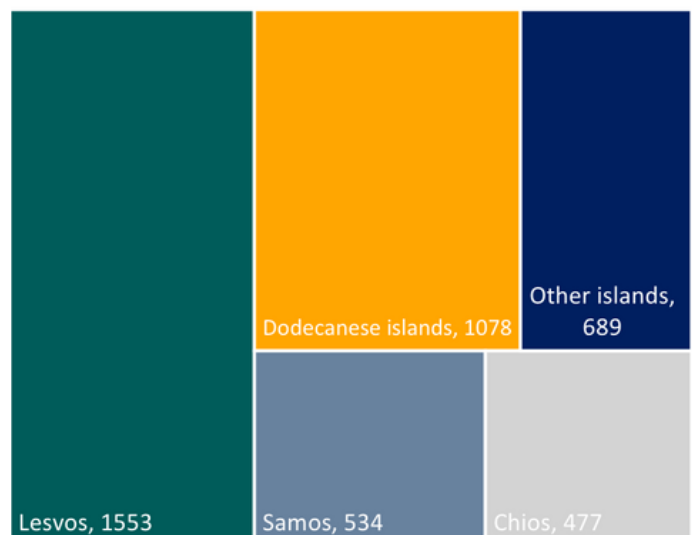
Residents of Lesvos' Mavrovouni camp were permitted to exit the facility for only three hours per week, with exception made to visit a lawyer or a doctor by appointment. With asylum interviews continuing apace, there were concerns about access to legal support, including the lack of an adequate space in the camp to provide legal assistance.

In September, a closed structure was opened at Zervou on Samos, almost 10 kilometres from Vathy town. All 400 residents of the old camp were transferred to the new facility.

ELIL joined 45 other civil society organisations in calling on the EU to abandon policies designed to contain and exclude people seeking asylum.

Throughout the year, ELIL provided legal assistance to 1,200 asylum seekers on Lesvos and Samos, preparing them for their asylum interviews and helping them to reunite with family members in other European countries.

SEA ARRIVALS



Kara Tepe

In the first weeks of 2021, authorities implemented plans to transfer all residents of the Kara Tepe site on Lesbos to the new camp at Mavrovouni, with some also being transferred to locations on the Greek mainland. Kara Tepe housed over 700 of the most vulnerable asylum seekers on the island, the vast majority of them families with young children. ELIL began working in Kara Tepe in December 2019, running legal consultations to provide much needed legal assistance to the site's residents.



Beyond the Numbers

In early 2021, the ELIL team on Lesbos assisted a woman from West Africa with her application for asylum. Given her particular vulnerability as an SGBV survivor, we also referred her for psychological support and an application was made to house her in a shelter for victims of human trafficking. As a citizen of a country included on the list of safe countries of origin, her case was examined under an accelerated procedure.

The interview was postponed multiple times due to the difficulty of finding a translator for her native language. In the end, faced with living indefinitely in dire conditions in Mavrovouni camp, the woman elected to attend her interview in English, requiring her to describe her traumatic background in a language that she does not speak fluently.

ELIL provided a lawyer who offered legal support, was in constant communication with the asylum service and psychological support actors, accompanied her to the interview, which lasted eight hours, and submitted a supporting legal memo. A month later, with our assistance, her geographical restriction was lifted, allowing her to leave the island. At the end of June, she received refugee status.

Activities

ELIL assisted 1,653 people in 2021, working on 1,246 cases. ELIL's work in 2021 included the following activities, all of which were conducted from our offices, in order to preserve privacy and confidentiality, and in compliance with Covid-19 protocols. Our work has a real impact: since 2019, 69.7% of those we have assisted have been granted asylum, compared to Greek average of 32%.

Interview preparation

Our primary activity in 2021 was providing legal advice to asylum seekers to help them prepare for their first instance asylum interview. In total, we assisted 697 individuals (396 cases). In each case, we aimed to provide at least two one-on-one consultations, unless the case was an emergency with a very short deadline, and in almost all cases we also represented the asylum seeker at interview and/or submitted a supporting legal memorandum.



Subsequent Applications

Over the past few years, more than half of those who applied for asylum in Greece received a negative decision. If a person is rejected for asylum, one possible recourse is to file a 'subsequent application'. This is possible if substantial new information has emerged supporting their claim, which was either not available or did not yet exist at the time of the initial application. The authorities examine the admissibility of the new information. If they decide to reopen the case, the applicant will attend another interview to assess their asylum claim.

Registration of subsequent asylum applications resumed in early June of 2021 and ELIL supported many such cases on Lesbos. The rise in demand can be attributed to the drastic deterioration of the situation in Afghanistan, which prompted many asylum seekers in Greece to resubmit their applications. Our team assisted people in gathering new information as well as with the submission of the subsequent request. When the requests were upheld, we provided continued support to the applicant ahead of their interview.

Family reunification

We supported 100 individuals in filing applications for reunification with family members in other EU member states (64 cases in total). In general, this involved liaising with the asylum seeker and family members, collecting relevant documents, preparing the application and a supporting legal memorandum and following up with the Dublin Unit in Greece and other countries.

Unaccompanied minors

We provided legal assistance, through one-on-one consultations, to unaccompanied children (particularly unaccompanied children incorrectly registered as adults). This included working to overturn the original age registration (collecting relevant documents and securing referrals for age assessment), providing information and advice regarding the legal procedure and assisting with family reunification applications. In total, we provided assistance to 142 unaccompanied minors. Of these, 68 were assisted with age assessment. We also assisted 406 children who arrived in Greece with their family members, either with interview preparations, family reunification requests or drop-in queries.



Age Assessment

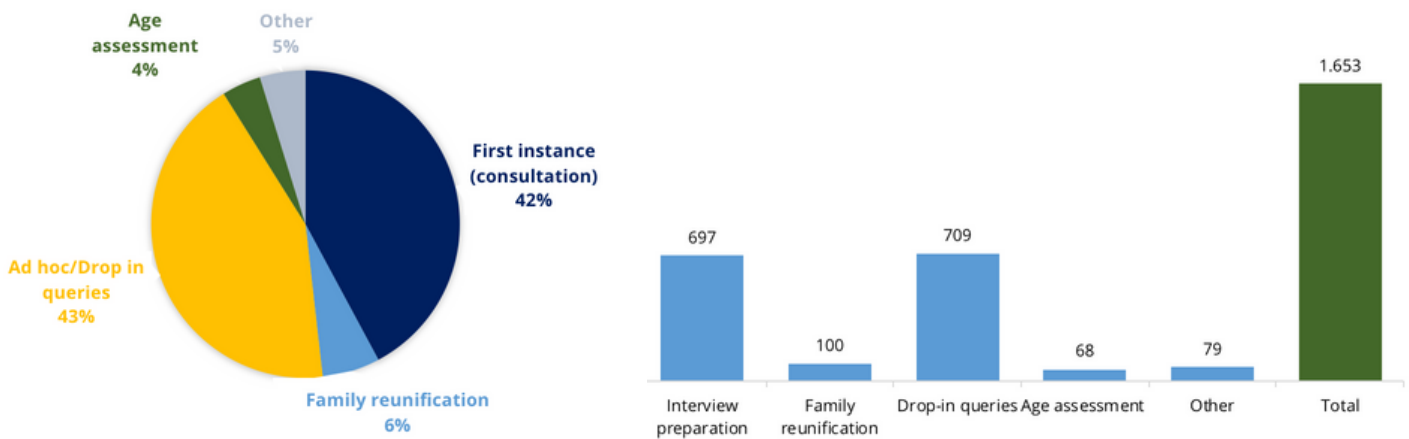
When an applicant claims to be a child, the asylum authorities can refer them for a medical, behavioural and/or psychological assessment. By law, the alleged child should be given the benefit of the doubt and enjoy the full protections that are reserved to vulnerable groups, including better housing, state guardianship, freedom of movement and schooling.

In the first half of 2021, the medical assessment process on Samos underwent long delays. This resulted in alleged children waiting for an indefinite amount of time before undergoing their medical examination and being able to resume the asylum process. Most continued to live in the camp, without access to the protections and services to which they were entitled.

Drop-in queries

We worked within the restrictions imposed as a result of Covid-19 to ensure that it remained possible for asylum seekers to reach our teams with “drop-in” questions and see a lawyer without an appointment. In total, we assisted 709 asylum seekers with such queries.

ACTIVITIES



NATIONALITY



Afghanistan Support

ELIL continues to expand its work to meet a growing need for legal support. In December 2021, we provided support to female Afghan judges in submitting applications to relocate from Greece to Canada. Working with the International Bar Association, our legal teams assisted with the relocation applications of almost 100 people.

Team

Staff and Volunteers

Over the course of 2021, our operations were supported by over 70 volunteers (remote and in-person). Our staff expanded with the addition of an Athens team: three lawyers, three interpreters and legal assistants.

The exceptional commitment of our staff and volunteers has allowed us to adapt to challenging circumstances and continue to provide legal assistance across Greece.



Supervisory Board

In 2021, there were significant changes to ELIL's Supervisory board. Dr. Vassilios Skouris stepped down as Chair and was replaced by Berit Reiss-Andersen, former President of the Norwegian Bar Association and current President of the Nobel Peace Prize Committee. She is joined by Deputy Chair Dr. Annette Mutschler-Siebert (Board Member of the DAV) and members Dr Margarete von Galen (President of the CCBE) and Laurence Roques (Head of the CNB Human Rights Committee).

In December 2021, ELIL's Supervisory Board published a statement expressing concern about the lack of access to legal assistance for those seeking asylum at the EU's borders and the limitations of the proposed New Pact on Asylum and Migration. They called on the EU and member states to ensure that the principle of the right to asylum is at the heart of all policies, practices and legislative reform in the field of asylum and migration.

Remote Work

“I have returned to the ELIL project each year since 2017 because for me, access to legal advice and information is an important element of the rule of law. I am sure that I will travel to Greece to volunteer with ELIL again, but the remote system is a great way to increase capacity during and after the pandemic.”
- ELIL volunteer lawyer.

ELIL’s work again took place against the backdrop of the COVID-19 pandemic. For the first few months of 2021, Greece was under national lockdown. Residents of island camps, meanwhile, were restricted in accessing many services. To address these challenges, we have continued to develop use of remote and flexible assistance.

Over the past year we have built on our new hybrid model of legal assistance – part in-person, part remote - to make sure that our lawyers and interpreters are able to provide tailored support to those who need it most, even under challenging circumstances.



Partnerships

Our work in 2021 was made possible by the generous support of partners old and new. We were honoured to start new partnerships with Stiftungsfund Zivile Seenotrettung and the Ho Foundation, who have been instrumental in helping us launch our mainland project. We are also extremely grateful for the enduring support of Defence for Children International (DCI), Kids in Need of Defense (KIND), Comic Relief, the Fred Foundation, the Fondation Abbé Pierre and Bar Associations and Law Societies across Europe.

The "Greece Pro Bono Collaborative", ELIL's joint initiative with six major international law firms – White & Case, Allen & Overy, Ashurst, Orrick, Dentons and Charles Russell Speechlys – continues to provide crucial support to our teams in Greece.

ELIL has continued its partnership with the legal tech companies BRYTER and HighQ, thanks to whom we have been able to increase our effectiveness and reach more people in need of legal assistance.

Support from Bar Associations and Law Societies

Andorra Bar Association
Austrian Bar Association
Advocats.be
West Vlaanderen Bar Association
Danish Bar & Law Society
Finnish Bar Association
Icelandic Bar Association
Law Society of Ireland
Liechtenstein Bar Association
Slovenian Bar Association
Ordre des avocats vaudois
Law Society of Northern Ireland
Geneva Bar Association
Scottish Faculty of Advocates
Swiss Bar Association



Advocacy



06/2021: ELIL joined other NGOs in calling for Greece to repeal the Joint Ministerial Decision to designate Turkey as a 'safe third country' for people arriving from Afghanistan, Syria, Somalia, Bangladesh and Pakistan. [READ HERE](#)



09/2021: Following the opening of a closed reception centre on Samos, organisations in Greece decried the establishment of facilities that reinforce a policy of refugee containment and exclusion. [READ HERE](#)



09/2021: ELIL signed a joint statement urging the EU not to shirk its responsibilities towards Afghans in need of international protection. [READ HERE](#)



12/2021: ELIL and leading human rights groups called for renewed protections for children in migration at the EU's borders. [READ HERE](#)



12/2021: ELIL's Supervisory Board published a statement expressing concern about the lack of access to legal assistance for those seeking asylum at the EU's borders and the limitations of the proposed New Pact on Asylum and Migration. [READ HERE](#)

Finances

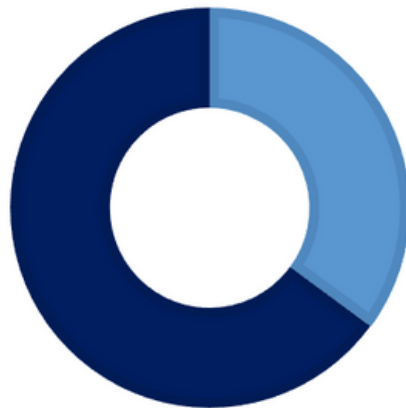


Sustainability is key to our programming. In recent years, we have successfully diversified our funding sources in order to ensure the stable running of our programmes. In an increasingly volatile landscape, we work continuously to forge new partnerships, fundraise amongst our supporters and engage the support of additional Bar Associations and Law Societies.

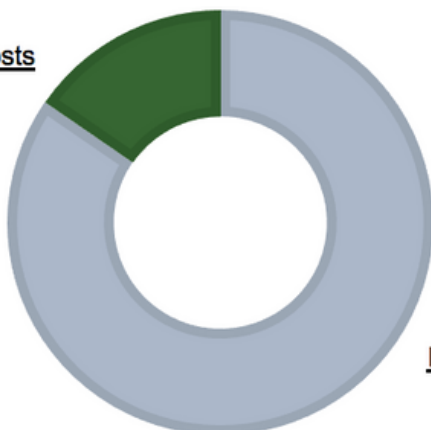
Total Income
854,919.17

Grants
€ 555.145,67

Donations
€ 299.773,50



Support Costs
15%



Programme Costs
85%

Total Spending
694,680.01



THANK YOU FROM THE **ELIL** TEAM