

QUARTERLY REPORT

OCTOBER-DECEMBER
2022



FENIX
HUMANITARIAN LEGAL AID

CONTEXT

The number of people forced to undertake the treacherous journey from Türkiye to Greece continues to grow. In November, over 500 people arrived to Lesbos, five times more than last year this time. We have seen an increase in people fleeing the civil war in Ethiopia, with Ethiopians and Eritreans making up 10% of the camp demography on Lesbos in December. This change asked for new resources, including cultural mediators and country of origin knowledge, to provide our services this community.

The increase in arrivals unfortunately does not mean that Greece's border regime has become any less violent: people in search of safety are still subjected to illegal practices at the land and sea borders. Those who do make it to Greece are met with inhumane living conditions and a completely dismantled asylum system.

We have seen an increase in the misuse of the legal system to prosecute people fleeing violence for the simple act of seeking refuge. In December multiple trials have taken place, in which asylum seekers were accused of "facilitating illegal entry", and in some cases even "provoking shipwreck". Seeking safety should never be met with prosecution. In these cases, we have observed a worrying trend: trials and appeal hearings are often delayed, sometimes up to 2,5 years after the initial accusation. This leaves the accused in ongoing legal limbo. The constant postponement of cases against asylum seekers and humanitarians is just one of the many ways in which Greece denies rights to those who seek protection.

Restrictions on asylum seekers' rights and freedoms continue outside of legal prosecution as well. Living conditions in Greece are abysmal.

People seeking asylum on the islands are being moved into Closed Controlled Access Centres (CACCs), these are closed camps, located far away from the rest of society. The physical remoteness and inaccessibility of closed camps effectively segregates camp residents and local communities. This prevents access to services and safe spaces, and the start of the inclusion process. Policies of detainment, alienation and hostility lead to extremely unsafe situations for people seeking safety. While a new CCAC is being built on Lesbos, the current Mavrovouni camp has now also been declared a Closed Controlled Access Centre. We are monitoring what this will mean for our clients, and are ready to adapt our work. We continue to advocate for asylum seekers to be welcomed into our societies, and not locked away in dangerous and inhumane camps.

Barriers within the Greek asylum system remain: people from Afghanistan, Bangladesh, Somalia, Syria and Pakistan are deemed safe in Türkiye. This means that once they arrive in Greece, they first have to prove that they are in fact unsafe in Türkiye, before their asylum claim based on their country of origin is ever heard. This all, while Türkiye has not taken back any asylum seekers deemed safe in the country for the last two years. This December, the Greek Government had the opportunity to right this completely arbitrary and disfunctional policy. Despite pressure by civil society, the Greek government decide to continue deeming Türkiye a safe third country.

Restrictions faced by people seeking refuge continue to increase, in Greece and in Europe at large. Looking ahead to 2023, we are as committed as ever to our mission to provide asylum seekers with the support they have a right too.

OUR WORK IN NUMBERS



We undertook the holistic cases of **14** new clients from Afghanistan, Djibouti, Eritrea, Sierra Leone, Somalia and Syria



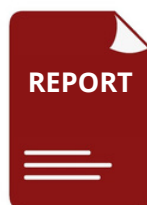
We undertook **9** strategic efforts to increase accountability of rights violations



46% of the clients we undertook in this quarter have already received refugee status, the rest are still in the procedure



We held **6** information sessions for **31** newly arrived asylum seekers informing them about the asylum procedure and their rights

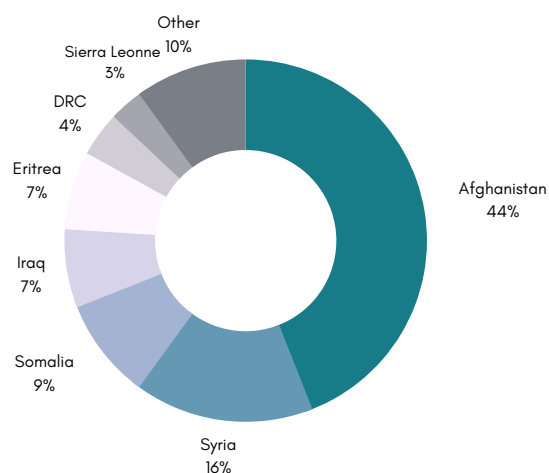


We published **2** statements, **2** press releases, **1** blog post, **1** report and sent **1** letter advocating for positive change at the local, national, and European level



We provided capacity bridging trainings to **72** humanitarian actors, on safeguarding, the asylum procedure, and specific vulnerabilities

OUR CLIENTS



Countries of origin of our current clients (total of 85 people)

'Other' includes Ghana, Sudan, Yemen, Cameroon, Djibouti, and Senegal

42%

Survivors of psychological, physical or sexual abuse

38%

People with disabilities, severe medical or mental health conditions

15%

Unrecognized Unaccompanied Minors

14%

Survivors of Gender Based Violence

HOLISTIC LEGAL AID



Baadi at the airport with his family

Our holistic approach to legal aid allows us to provide a comprehensive service to our clients, that not only addresses their legal, but also protection and mental health needs, with a focus on empowerment and dignity. This approach not only serves to more effectively overcome the barriers that prevent clients from effectively accessing their rights within the asylum procedure, but also increases their well-being and sense of security while navigating the procedure.

BAADI REUNITED WITH HIS FAMILY

Baadi* (name anonymised) fled Syria and arrived to Lesbos at the end of 2019. Baadi had been subjected to torture in his home country, as a result of which he now suffers from severe mental challenges. This made it difficult for him to express his needs and understand what was going on around him, let alone navigate the complex asylum procedure.

When we met Baadi, he had never received a decision on his initial asylum claim and his vulnerabilities were not properly assessed by the authorities. He had thus been forced to live in the camp in conditions completely inadequate to his situation without receiving appropriate medical care for more than two years, further deteriorating his well-being.

Baadi's father and siblings were living in Germany, where they received refugee status. Our **Legal Team** started the procedure for them to be reunited after many years of being separated.

The **Legal Team** worked with Baadi and his family to gather documentation that could prove their family ties. Together with the **Protection Team** they applied for a reassessment of Baadi's vulnerabilities in order to get them properly recognised and then access conditions and care appropriate to his needs. Meanwhile, the **Mental Health Team** provided psychological sessions one to one sessions and arranged access to psychiatric care and follow up. The **Protection Team** arranged Baadi's access to medical care, and ensured that his living conditions were adapted to his needs. They also supported him with navigating the system and services.

The **Legal Team** also sent a submission to the Greek Ombudsman, alerting them to the shortcomings of the Greek authorities in providing Baadi with the conditions and care he has a right to based on his vulnerabilities.

After a first rejection from the German authorities, the Legal Team worked together with the other teams to provide evidence that further strengthened the case and requested the German authorities to reexamine the case.

Finally, Baadi's family reunification request was accepted. His vulnerabilities would make it impossible for Baadi to travel alone, so we worked with the Greek Dublin Unit to arrange for Baadi's father to travel to Greece and accompany him during the journey. In October, after three years in legal limbo, Baadi was finally able to travel to Germany and reunite with his family.

ADVOCACY & STRATEGIC



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CLOSURE OF DIGNIFIED HOUSING

Living conditions for people who seek asylum continue to get worse, with the Greek government structurally increasing their investment in closed centers and policies of segregation. The most recent step in this direction is the closure of the ESTIA II Program, an EU-funded housing program through which vulnerable asylum seekers could access more appropriate and dignified housing throughout Greece. With the ending of this program, camps are now the only government provided accommodation types. As a result, many extremely vulnerable people did not only lose access to better housing conditions, but also to specialised medical care that is only available in the urban areas.

Several of our clients with vulnerabilities, including severe medical conditions, were living in accommodation under the ESTIA II Program. They received as little as 24 hours notice of their eviction and forced move into remote camps at unknown location. We urged the Greek Ministry of Migration and Asylum and the relevant accommodation providers urging them to respect asylum seekers' rights, and requested the Ombudsperson to intervene. We published a [press release](#), to raise further awareness on this issue. Besides, we expressed our concerns in a letter to the European Commission, and received a [reply](#) stating that the Commission was willing to continue providing funds for the ESTIA Program. The closure of ESTIA II was thus not a matter of funds, but a political choice by the Greek government.

TÜRKIYE AS A SAFE THIRD COUNTRY

In December, Greece re-examined the designation of Türkiye as a "safe third country". Together with 14 other

organisations, we sent a [letter](#) to Greek authorities to stop considering people who seek asylum in Greece to be safe in Türkiye.

UNRECOGNISED MINORS

In 2020, Fenix uncovered an unsettling pattern of unaccompanied asylum-seeking children being registered as adults by authorities. Since then, we have worked with over a hundred unaccompanied minors, supporting them in overcoming the many barriers they face and aiming to empower them to exercise their fundamental rights. Additionally, we have undertaken strategic legal efforts, including complaints to the Greek Ombudsman for Children, the Assistant Ombudsman for Children's Rights, the Ombudsman for Human Rights, and to Frontex on behalf of unrecognised unaccompanied minors. Through our work we have built an extensive base of knowledge on the violations and challenges unrecognised minors face. Based on our expertise, we have published a comprehensive, multidisciplinary [report](#), outlining the barriers unrecognised minors face in Greece.

In addition, after two years of waiting, we received a [response](#) to the complaint we lodged to the Frontex Fundamental Rights Officer on behalf of three unrecognised minors, regarding their wrongful registration as adults by Frontex officers in Moria camp. In his response the Frontex Fundamental Rights Officer recognised that the three minors represented by Fenix faced breaches of their rights by Frontex officers, as the presumption of minority was not upheld and they were not referred for age assessments. We will continue to take actions to fight for the rights of unrecognised minors!

CAPACITY BRIDGING & COMMUNITY ENGAGEMENT



Safeguarding training with Choose Love in Thessaloniki

Our Capacity Bridging Program aims to bridge diverse forms of knowledge between actors intervening in or affected by refugee support in Greece. We connect participants with essential information, knowledge and resources that can positively impact their projects or communities, optimize the services provided, and work towards a more holistic and collaborative outcome.

SAFEGUARDING TRAINING

One of the topics we have provided training on since the start of our Capacity Bridging Program is safeguarding – how to conduct projects in a way that protects those we work with from harm. Our partner Choose Love invited us to support them in providing safeguarding training to all their partners in Greece.

Our Head of Holistic Legal Aid and Head of Programs joined Safeguarding Specialist Dee Jethwa to provide these two intensive two-day trainings to organisations from different sectors providing services all over Greece. They focused on Safer Recruitment and Codes of Conduct within the safeguarding framework, and discussed best practices and challenges, working towards tackling those challenges. Feedback from participants was extremely positive, with **93%** stating that they were (very) satisfied with the training, and **100%** stating that they appreciated the course structure of presentations mixed with activities. Several participants shared that they have made large changes based on what they learned during the training, such as adapting a whole new recruitment process, including safeguarding scenario's in team meetings, and updating their Code of Conduct.

Joining forces with Choose Love by providing these interactive safeguarding trainings has been a great way to share our expertise and connect with other organisations in the field.

INFORMATION ABOUT THE PROCEDURE

We have continued to provide information sessions to people who seek asylum. We tailor these sessions to specific groups of people, depending on for example stage in the asylum procedure or a vulnerability that poses specific barriers.

One of our information sessions is tailored to those who have just arrived to Lesvos. When people arrive, they have no or very limited information available to them about what to expect in the procedure that they will undergo just days after arriving. This is a big source of stress, uncertainty, rumors and false information. In these information session we explain the applicants' rights, and the logistics, purpose and content of the upcoming interview. The sessions aim to connect participants with the essential information they have a right to, and empower them to navigate the asylum procedure.

Besides these sessions, we have a weekly presence at the Information Point in Mavrovouni camp for walk-in consultation on questions relating to the asylum procedure.

The regular provision of information continue to ensure asylum seekers are equipped with the necessary information to go through the asylum procedure well-informed.

OTHER HIGHLIGHTS



Legal team - August 2022

As a holistic legal organisation, the impact of our work includes positive asylum decisions or family reunifications, but also extends beyond that. In a context in which clients face numerous and fast barriers to access their rights, the following examples highlight the various successes in overcoming those barriers.

Positive decision for family Baraath*

The Baraath family is from Afghanistan. They arrived in Lesvos in 2019, and were transferred to the mainland after being recognized as vulnerable. They waited almost two years for their asylum claim to be examined, and because Turkey was designated as a safe-third-country under the JMD in the meantime, their claim was rejected in first instance. While our legal team appealed this decision, the ESTIA II program closed and the whole family had to be transferred to a camp. Finally, more than three years after their arrival, they obtained a positive decision in October, and the family can finally start their new life.

European Court of Human Rights

We requested the European Court of Human Rights to intervene in the case of a client who, as a victim of severe violence with complex medical and mental health challenges, is extremely vulnerable. He was housed in a remote camp without access to the medical care he urgently needed. We asked the Court intervene and issue interim measures to ensure him access. The court granted these measures, and we are now waiting for action from the Greek government.

Diric* was transferred to Germany

Diric was forced to flee Somalia, and he arrived to Lesvos in June 2022. His wife and young child had received refugee status in Germany, and Diric came to us for support with his request to get reunited with them. After a successful application Diric was able to reunite with his family in November!

Mohammad received a prosthetic leg

Mohammad arrived to Lesvos in March 2021 with a severe leg injury sustained a year prior in his country of origin. After a year of living in the camp with his injury left untreated, his leg had to be amputated. When we met him in June 2022, his protection officer collaborated with a partner organisation to arrange for him to visit an orthopedic doctor. They contacted a specialised medical team, who could create a personally fitted prosthetic leg for Mohammad. With the help of a physiotherapist, Mohammad is now learning to walk again.

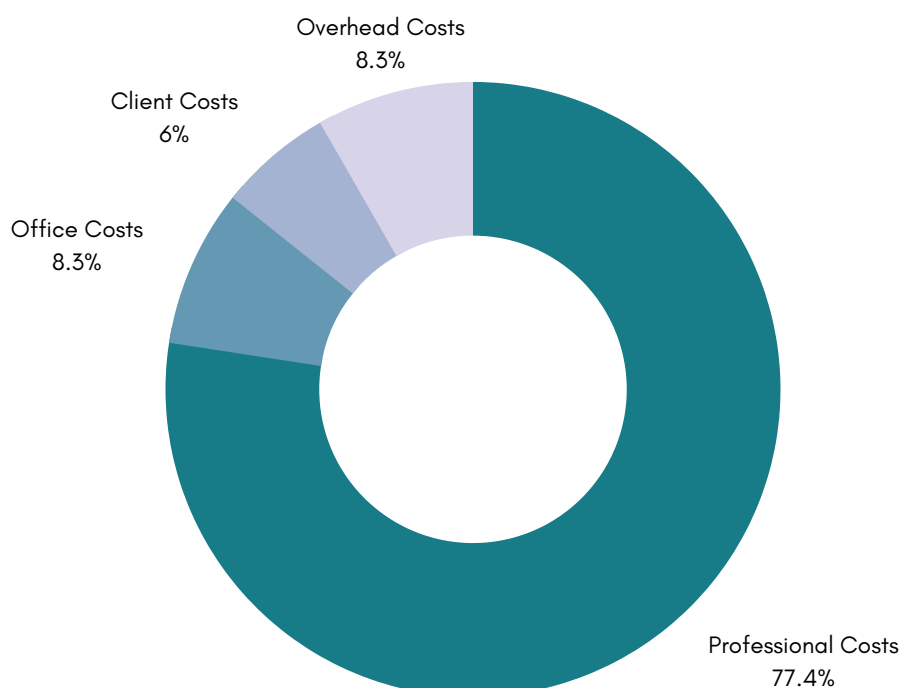
FINANCES

91.7%

Program Costs

8.3%

Overhead Costs



Expenses Breakdown by Category

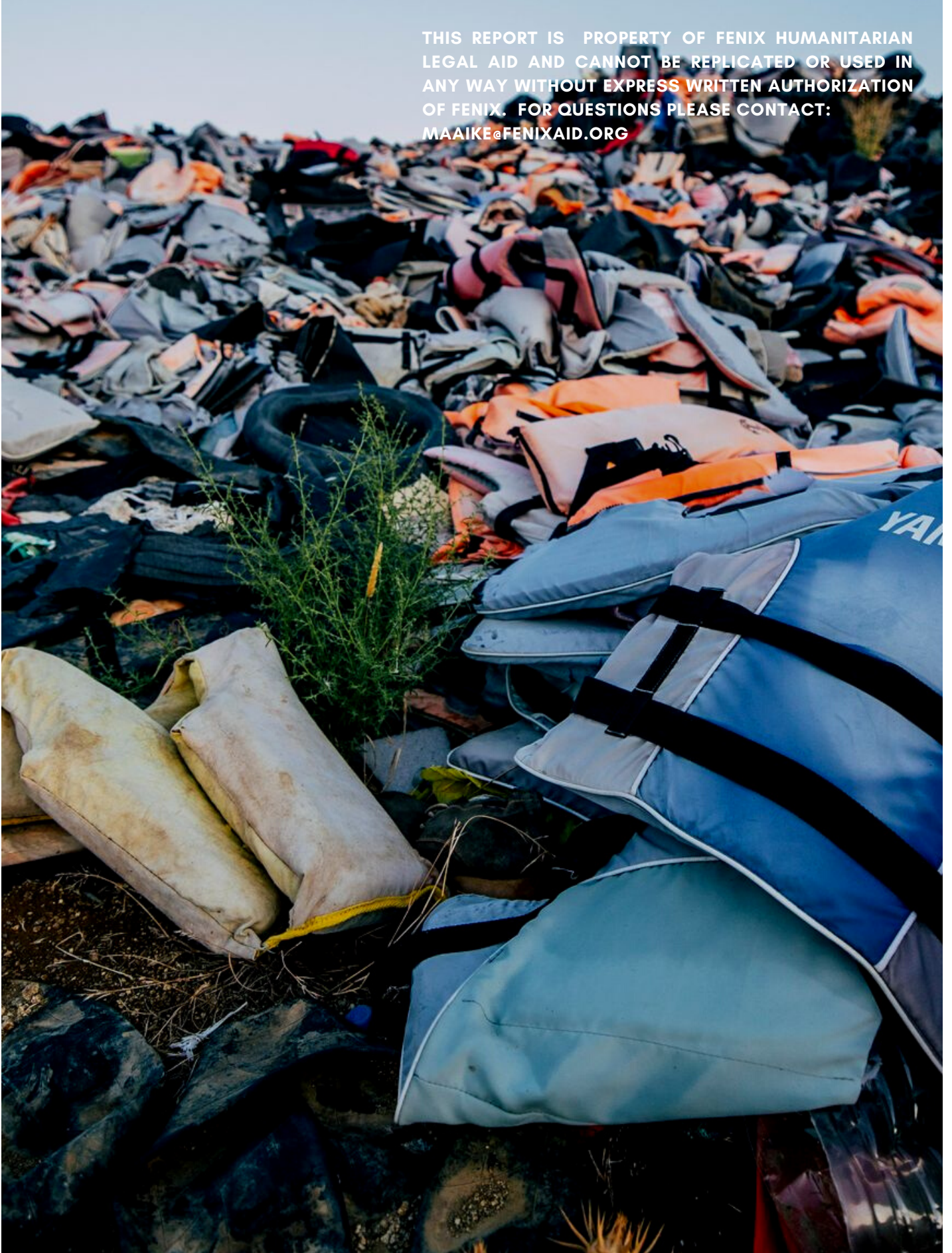
Professional costs were our main expense this quarter, which is in line with our expenses throughout the last year. By investing in our long-term and professional staff we maintain stability for our clients, high quality services and sustainability of our operations.

This quarter, we spend 8.3% of our budget on **overhead costs**. As a Greek organisation registered with the Ministry of Migration and Asylum, at the end of

every year we have additional costs to maintain compliance with registration guidelines. This is why in this quarter our overhead costs higher than usual.

91.7% of the funds donated to Fenix were used to provide services to our clients and impacting the asylum system. Every euro donated counts towards continuing our mission through our three interconnected Programs.

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