



OBSERVATIONS ON THE IMPLEMENTATION OF LAW 4636/2019 “ON INTERNATIONAL PROTECTION AND OTHER PROVISIONS” AT THE “HOTSPOT” OF LESVOS

May 2020

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I. INTRODUCTION

This Joint Briefing Paper is a summary of the complaint submitted to the Greek Ombudsman in March 2020, by the free legal aid organisations HIAS Greece, Refugee Support Aegean [RSA], Greek Council for Refugees, DIOTIMA, Legal Centre Lesvos, European Lawyers in Lesvos [ELIL], FENIX Humanitarian Legal Aid and PRAKSIS, which operate in Lesvos and are members of the Lesvos Legal Aid Working Group. The Joint Briefing Paper offers an overview of the main legal issues which have arisen during the first three months of implementation of the new Law No. 4636/2019 “On International Protection and other provisions” at the “hotspot” of Lesvos.¹

In particular, the aforementioned organisations have observed that, between January and March 2020, the implementation of the new Law has resulted in: 1. the violation of the obligation to provide material reception conditions, 2. the prioritization and accelerated processing of asylum applicants arriving to the island in 2020, at the expense of earlier arrivals, and the ensuing violation of procedural guarantees, 3. the impossibility to physically access Lesvos Regional Asylum Office’s premises and the authorities’ incapacity to manage the increased workload due to the overpopulation, 4. the violation of the principle of family unity and of the right to family reunification, 5. the violation of the special procedural guarantees for unaccompanied minors and of the principle of the Best Interests of the Child, 6. the abusive application of the new Law’s provisions on the implicit withdrawal of asylum applications, 7. the violation of the right to an effective remedy, 8. the systematic and illegal practice of fictitious notification of negative decisions, 9. the violation of procedural guarantees in readmission procedures, 10. the arbitrary detention of asylum seekers and, 11. excessive procedural obstacles in terms of access to legal representation.

In particular:

¹ In the course of the drafting of this Joint Briefing Paper, a series of critical legal developments took place in relation to the access to the asylum procedures (suspension of the submission of asylum applications on the basis of the Emergency Legislative Order of 2 March 2020 – Gov. Gazette A’45 2.3.2020, suspension of the operation of the Asylum Service due to COVID-19 on the basis of the Emergency Legislative Order of 11 March 2020-Gov. Gazette A’ 55/11-03-2020). The documentation of the issues that have arisen from the aforementioned Emergency Legislative Orders, albeit necessary, is beyond the scope of this Paper.

II. OBSERVATIONS ON THE IMPLEMENTATION OF LAW 4636/2019 ON LESVOS

1. Violation of the obligation to provide material reception conditions

- In the case of vulnerable persons or persons in need of special reception conditions, the measure of geographical restriction on the island of Lesbos can now be lifted only as long as they “cannot be provided with appropriate support”, according to Article 67 of the Law. According to this article, “appropriate support” only refers to asylum procedures and does not encompass living conditions. However, according to *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection* and *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection*, Member States have a duty to provide vulnerable asylum seekers with adequate support, not only in relation to the asylum procedures (“special procedural guarantees”), but also in respect to their living and reception conditions (“special reception conditions”). In any case, it appears that the Regional Asylum Service of Lesbos (‘Lesvos RAO’) has not received clear instructions to date as to the circumstances in which the lifting of geographical restrictions and referral to the regular procedure is possible nor guidelines setting out the procedures to be followed in such cases.
- A typical example is the case of an infant with Down syndrome, also suffering from kidney failure and cryptorchidism. The child entered Greece with his parents in December 2019 and remained in a tent at the Reception and Identification Centre (‘RIC’) of Lesbos until March 2020. In late February 2020, the geographical restriction measure was eventually removed from the child’s asylum applicant’s card (in accordance with Ministerial Decision 1140/2019), which meant that he could travel outside the island for immediate medical treatment of his health condition. The flagging of the child’s case and the intervention of his legal representative had been necessary for the procedure of the lifting of his geographical restriction to start. The Greek authorities completed the procedure with extreme delays due to lack of

instructions on the implementation of the new legislation and poor bureaucratic practices. It should be noted that, by the end of March 2020, the family was still awaiting transfer from the island, despite the child's urgent medical needs.

An equally illustrative case is that of an one-month-old infant who was born to an HIV-positive mother. Therefore, the infant was in need of immediate transfer from Lesvos to a hospital where he could be incubated, undergo special medical examinations and receive appropriate treatment. The First Reception and Identification Service (RIS) of Lesvos lifted the infant's geographical restriction on 6 February 2020. However, the infant and his mother had to wait for a month before being allowed to leave the island. This is because the Asylum Service did not provide the child with an asylum applicant's card without a red stamp [the red stamp signals geographical restrictions] until the date of the renewal of his former one, on 3 March 2020. The infant and his mother had to remain in Moria RIC until the end of March, as transfers to the mainland had been halted due to meningitis cases and subsequent COVID-19 preventive measures, and were, thus, exposed to serious health risks.

Similarly, organizations have documented the case of a pregnant asylum seeker in the ninth month of her pregnancy who was living with her husband and four-year-old child in a tent.

- There are insurmountable obstacles to the transfer of victims of gender-based violence from RIC to safe accommodation either on Lesvos or in the mainland, as RIC's medical personnel asks for a forensic report that proves that they have been victims of gender-based violence.
- Victims of torture cannot be certified as such, as Vostaneio Hospital (the only hospital in Lesvos) does not offer certification services, although Article 61, para. 1 of the new Law provides that victims of torture shall be exclusively and solely certified by public authorities.
- Asylum applicants do not have access to social security insurance because of the authorities' failure to provide them with a ΠΑΑΥΡΑ/ΠΑΑΥΠΑ (Temporary Number of Insurance and Healthcare for Foreigners) as foreseen by Law 4636/2019.

2. Prioritization and accelerated processing of asylum applicants arriving to the island in 2020, at the expense of earlier arrivals, and the ensuing violation of procedural guarantees

- The prioritized assessment of the applications of asylum seekers who arrived in 2020 led to the “de-prioritisation”, cancellation and postponement of the registration, interview and issuance of decisions of those who arrived before 2020, *i.e.*, prior to the entry into force of the new Law. Accordingly, the interviews of the pre-2020 arrivals are often rescheduled for 2021. As a result, the asylum seekers have to live in inhuman and degrading conditions at RIC for periods that can under no circumstances be considered as “limited periods”, as provided under Ministerial Decision No 1140/2019 on the “Restriction of Movement of Applicants for International Protection”.
- Lesvos RIC schedules appointments for the registration of the asylum applications by Lesvos RAO based on an “open list of available appointments” without consulting with the Asylum Service and before the completion of the medical examination and vulnerability assessment of the applicants. Therefore, potential vulnerabilities are not identified prior to registration and vulnerable applicants cannot be prioritized, which breaches Article 83, para. 7, section (a) of the new Law. In addition, these appointments are notified to the asylum seekers concerned on a paper stub, without an official document and without informing the Asylum Service, which prevents compliance with article 65 of the new Law (obligation to provide appointments and to appear for registration before Lesvos RAO within 7 days, otherwise the application will be archived).
- Asylum seekers who arrived in 2020 have their interview date scheduled within one to three days following their arrival to Lesvos. This practice renders their right to legal representation, enshrined in the Law (Articles 39, paras 8 (f) and (g); 69, paras 3 and 71 of the new Law), a “dead letter”. In fact, it appears from their interview transcripts that some asylum seekers could not even respond to the questions of EASO (‘European Asylum Support Office’) caseworkers as to whether they knew on which island or RIC they were.

- Vulnerable asylum seekers must be granted reasonable time to prepare for their asylum interview (Article 77, para. 4 of the new Law). However, this procedural guarantee is not respected, as asylum seekers who arrived in 2020 have their interview scheduled before their medical examination and vulnerability assessment is completed (Articles 39 and 58, para. 2 of the new Law).
 - Asylum seekers who arrived in 2020, *i.e.*, after the new Law came into force, are not provided with an asylum applicant's card.
3. Impossibility to physically access Lesbos RAO's premises and the authorities' incapacity to manage the increased workload due to the overpopulation
- Since December 2019, issues regarding asylum seekers' physical access to Lesbos RAO's premises have significantly increased due to the camp's overcrowding. Asylum seekers have reported that waiting lines in front of Lesbos RAO had grown so long that slots were being sold at prices starting at 20 Euros.
 - Lesbos RAO is unable to respond to its increased workload. In practice, the completion of even the simplest procedures is perpetually postponed to subsequent appointments. We indicatively refer to the inability of Lesbos RAO to respond to the renewal of applicants' cards every 15 days, as required under the new Law, and the ensuing necessary return to cards of monthly validity as provided under the previous framework.
4. Violation of the principle of family unity and of the right to family reunification
- Families which have been created outside the applicants' country of origin are not recognized as such for the purpose of their asylum procedure, pursuant to Article 2, section (i) of the new Law. In some reported cases, it was so even when the wife was pregnant.
 - As mentioned above, the cases of asylum seekers who have arrived prior to the entry into force of the new Law have been "de-prioritized". As a result, asylum seekers

eligible for family reunification (*i.e.*, who could be reunited with a family member in another EU Member State, pursuant to Dublin III Regulation) received appointments for the registration of their application at dates past Greece's three-month time limit to send the "take charge request" to the responsible third country under Dublin III Regulation.

- First instance asylum interviews have been conducted in cases of applicants who were eligible for family reunification. This practice, which contravenes the provisions of Dublin Regulation No. 604/2013, results in legal uncertainty for the applicants. In addition, it creates an unnecessary additional burden for the authorities, which therefore have to process cases falling under the responsibility of other EU Member States.

5. Violation of the special procedural guarantees for unaccompanied minors and of the principle of the Best Interests of the Child

- In violation of the principle of the presumption of minority, unaccompanied children are often registered as adults during their reception and identification procedures, even when they expressly state that they are minors. This is still the case even when the minors submit identification documents proving their age.
- The authorities refuse to receive documents of unaccompanied minors without the intervention of a lawyer.
- Minors are not provided with information regarding the age assessment procedures.
- Significant delays have been observed with regard to the referral of unaccompanied minors to age assessment procedures and, in general, in relation to the completion of the age assessment procedures. This results in the unaccompanied minors' long-term stay in inhuman and degrading living conditions at Moria RIC and at the unofficial camp adjacent to Moria, Elaionas (Olive Grove).
- It has been observed that Lesvos RAO often only refers alleged unaccompanied minors to age assessment procedures upon completion of their asylum interview. In some

cases, applicants are not referred to these procedures at all, although they stated they were minors during their asylum interview.

- Lesvos RAO consistently refuses to correct the personal data of minors, even when the latter furnish documentation proving their age, as Lesvos RAO questions the authenticity of these documents. However, it appears that the Asylum Service does not reject original supporting documents on the ground that they are not original documents, but because it could not be confirmed that they are indeed original. As a result of this practice, unaccompanied minors are not legally recognized as such by the Asylum Service. Lesvos RAO often sends such submitted documents to FRONTEX for the purposes of assessing their authenticity. However, the latter does not provide a written opinion regarding the authenticity or otherwise of the document that it is evaluating. Similarly, the Asylum Service rejects applications to rectify the incorrectly registered age of the alleged minors, without providing a reasoning as to why the accompanying corroborating documents were not taken into consideration. In addition, the Asylum Service recently informed organizations that it had been instructed not to accept any identification documents issued by certain countries, because of allegations of corruption in their administration.
- These practices are all the more problematic as, in view of the continuous postponement of the entry into force of Law 4554/2018 regarding the guardianship of unaccompanied minors, the vast majority of unaccompanied minors are deprived of guardianship, assistance and follow-up of their cases.

6. Abusive application of the new Law's provisions on the implicit withdrawal of asylum applications

- Lesvos RAO has been rejecting applications that it deemed "implicitly withdrawn" on the basis of the asylum seekers' failure to renew their asylum card at the prescribed date. It should be noted, however, that such failure is often owed to both the physical impossibility for asylum seekers to access Lesvos RAO and the authorities' inability to manage their increased workload resulting from the overpopulation (see above).

- Lesvos RAO has also deemed applications to be “implicitly withdrawn” in cases where applicants did not attend their asylum interview, although they had documents issued by public hospitals proving that they were hospitalized on the day of the interview.
- Another worrying practice concerns applicants who had been informed by Lesvos RAO, on the very day of their interview appointment, that their interview would not take place, and they were accordingly not allowed to board the bus that would transport them to the interview venue. These applicants were later served with rejection decisions, according to which their application had been deemed “implicitly withdrawn” on the basis that they did not attend their interview.
- The vast majority of administrative detainees from sub-Saharan countries at the Pre-Removal Detention Centre of Lesvos (‘Lesvos PRDC’) have complained about the pressure they received from EASO Registration Officers to declare that they wish to conduct their asylum interview in a more common language (such as English or French) than their native language. According to these asylum seekers, Registration Officers gave them oral assurances that they would be able to express, during the interview, their potential inability to understand the language in which it was conducted and to raise an objection to this effect (objection against the interpretation). However, the asylum applications of at least three asylum seekers who raised such objections have been rejected on “implicit withdrawal” grounds, due to their alleged non-cooperation with the authorities.
- In most of the aforementioned cases, it is impossible for the applicants to challenge the “implicit withdrawal” decision issued against them because they are unable to prove that they were given contradictory information by the authorities, as Lesvos RAO does not audio-record the registration of asylum applications.
- Applicants who have had their asylum application rejected on “implicit withdrawal” grounds were not granted “reasonable time” to demonstrate that their alleged non-cooperation with the authorities, or failure to attend a personal interview, was due to “circumstances beyond their control” (Article 28 of *Directive 2013/32/EU of the*

European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection).

7. Violation of the right to an effective remedy

- Lesvos RAO does not provide Registry legal aid (State's scheme for free legal aid at the second instance) in second instance proceedings in violation of Article 71, para. 3 of the new Law. At the same time, asylum seekers whose application for free legal aid from the Registry is still pending, or who were not granted a Registry lawyer do not benefit from the suspension or extension of the deadline to submit their appeal.
- This is all the more problematic because, according to the new Law (Article 93) appellants are required to cite "specific grounds of appeal" for their appeal document to be admissible, which makes legal assistance a necessary precondition. It should also be taken into account that the only lawyer of the Registry of Lawyers of Lesvos RAO has suspended her participation in the Registry.
- Lesvos RAO was initially refusing to receive appeal documents prepared by the applicants themselves. Asylum seekers who did not benefit from free legal aid have attempted to lodge an appeal on their own, but the submitted document was refused because it did not contain specific grounds of appeal and personal details of lawyers/authorised representatives (Article 93 of the new Law). It should however, be noted, that the decision on the admissibility of such an appeal can only be decided by the Appeals Authority.
- Rejected applicants are not provided with "specialised information regarding the reasoning of the decision" that rejects their application for international protection (Article 71, para. 2 of the new Law). This prevents them from providing "grounds of appeal" on their own, without legal aid.
- Whereas Lesvos RAO acknowledges its own inability to provide free legal aid to rejected applicants, it nevertheless refuses to register their oral requests to appeal their rejection decision, even in the form of a rudimentary appeal document.

- The Asylum Service refers rejected applicants to civil society organizations, so the latter can provide them with a standardized appeal form, creating the risk that the applicants be, in practice, deprived of the right to an appeal. In particular, asylum seekers experience significant obstacles in accessing both civil society organizations (see relevant recent incidents of attacks, among others), and Lesvos RAO's premises, which effectively prevents them from filing an appeal within the short deadlines foreseen in the Law.
- To date, the organizations which drafted said standardized appeal forms have provided over 200 copies to rejected asylum seekers. It should, of course, be clarified that this practice constitutes a last resort so that applicants are not fully deprived of the examination of their appeal at the second instance. Under no circumstances can the filing of this standardized appeal be considered as access to an effective remedy, as it does not contain any elaboration of legal arguments in relation to the personal circumstances of each applicant.
- For practical reasons, Lesvos RAO is unable to provide a copy of the audio recording of asylum interviews within the suffocating deadlines for the filing of appeals and supplementary legal statement. This is problematic considering that "the digitally-produced file" constitutes "proof of the interview's content", according to Article 16 (2) of the Regulations governing the operation of the Asylum Service.
- Asylum seekers in administrative detention are unable to communicate their wish to be transferred to Lesvos RAO's premises to file an appeal because the detention authorities do not provide interpreters. They are also unable to draft a rudimentary appeal on their own, as they cannot practically access civil society organisations or even stationery. Furthermore, the detention authorities often object that they do not have sufficient personnel to transfer detainees to Lesvos RAO.
- Rejected applicants whose measure of geographical restrictions has been lifted are required to send to the Appeals Committee a "certificate by the Head of the Reception or Hospitality facility" stating that they indeed resided at said facility "upon the date of the hearing" of their appeal. On the other hand, rejected applicants under the measure

of geographical restrictions are required to send an attestation by the Citizens Service Center ('KEP') or the Police of the region where they are staying, "regarding their personal appearance upon the date of the hearing of their appeal". Pursuant to Article 78, para 3 of the new Law, failure to send these attestations until one day before the hearing results in the appeal being rejected as "manifestly unfounded". It should be noted that no such attestation is being provided by KEP or the Police. After the intervention of free legal aid organizations, KEP agreed to certify the authenticity of the signature on pre-drafted "solemn declarations". According to instructions received by the Appeals Authority, the appellants should declare that they cannot travel to Athens due to the measure of geographical restrictions—although this information is known to the authorities—and reiterate their interest in their appeal being examined. However, it is still unclear to date whether, and to what extent, the Appeals Authorities accept these documents as a "attestation" for the purposes of Article 78, para. 3 of the new Law.

- The contradictory wording of the aforementioned provision results in further legal uncertainty for rejected applicants. Article 78, para. 3 of the new Law provides that the attestation be sent to the Appeals Authority "**up to the date prior to the hearing** of the case", while at the same time certifying the "personal appearance [before KEP or the Police] of the applicants on the date of the hearing of their appeal". As a consequence of this contradictory wording, certain Appeals Committees request that attestations be dated one day prior to the hearing of the case. In any case, the workload at the Mytilene KEP and at the Police Department, as well as the practical difficulties for applicants to access civil society organizations in order to be assisted in the drafting of these solemn declarations, makes the compliance with this requirement virtually impossible.
- Lesvos RAO refers asylum seekers to the Mytilene KEP in order to obtain the aforementioned attestation. The appellants are not, however, informed that these attestations are issued upon submission of a solemn declaration written in Greek and

do not receive any explanations about the required content of these declarations either.

- Lesvos RAO has been misinterpreting the provisions of article 104 of the Law, regarding the non-suspensive effect of an appeal. Specifically, according to the documents accompanying the rejection decisions, which are collectively issued to all asylum seekers in the border procedure, “in the border procedure, where there is legal assistance and interpretation, the filing of an appeal shall not have a suspensive effect (Article 104, para. 3)”. Accordingly, appellants are required to lodge a separate request before the Appeals Authority for leave to remain. It should be noted, however, that Article 104, para. 3 only applies in cases where it has already been ruled that an application falls within the exhaustive list of categories mentioned in Article 104, para. 2, for which no automatic right to remain is provided (*e.g.*, when the application has been rejected as “manifestly unfounded”), and not in all of the cases that have been examined under the border procedure. The purpose of this provision is to ensure that, in the cases mentioned in Article 104, para. 2 and when these occur within the framework of the border procedure, the appellant should, as a minimum, be provided with interpretation and legal assistance so as to submit an application for leave to remain, in view of the already limited guarantees of the border procedure.

8. Systematic and illegal practice of fictitious notification of negative decisions

- Lesvos RAO serves rejection decisions on the Head of RIC instead of the applicants themselves. This practice is provided for under Article 82, para. 5 of the new Law in cases where it has been “ascertained” that the applicant “could not be found”. However, the authorities do not mention in the applicants’ files the steps they took in order to locate them, nor do they justify how they were not able to find them despite their known residence and presence in Lesvos RAO’s own premises every 30 days in order to renew their asylum applicant’s card.
- The blanket practice of fictitious notification of negative decisions is illustrated by Lesvos RAO’s serving of decisions on the Head of RIC, even when it is known to the

authorities that the applicants are accommodated in organization-run apartments. Likewise, Lesvos RAO had scheduled appointments for applicants to receive their decisions but ended up unexpectedly serving them on the Head of RIC two days prior to the scheduled appointments.

- As a result of this practice, applicants are not notified of the negative decision issued against them and they miss the deadline to file an appeal. Subsequently, when they approach Lesvos RAO in order to renew their cards, the authorities detain them for the purposes of readmission on the grounds that the time limit for lodging an appeal has expired.

9. Violation of procedural guarantees in readmission procedures

- Readmissions to Turkey have been carried out before the concerned asylum seekers' applications for annulment of their second instance rejection and for suspension of removal were ruled upon by the competent Courts. It has been observed that the authorities do not respect the exercise of legal remedies, thus violating the right to judicial protection.
- Certain administrative detainees were notified of the rejection of their subsequent application shortly before being transferred to the vessel for the purposes of their readmission to Turkey and were, thus, deprived of the possibility to file an appeal.
- Asylum seekers have been included in the readmission lists and removed therefrom at the very last moment, although the examination of their applications on first or second instance was still pending.

10. Arbitrary detention of asylum seekers

- Asylum seekers in administrative detention do not have access to legal assistance, neither in relation to their asylum procedure nor in order to challenge their detention. It should be noted that administrative detainees are never informed of the grounds of their detention in a language that they understand.

- Detainees at Lesvos PRDC do not have access to medical services. Specifically, the agency providing medical services (AEMY S.A.) has been operating in Lesvos PRDC since the spring of 2018, initially with one psychologist and one social worker, and since April 2019 only with a psychologist. Additionally, since the beginning of its activities, AEMY has been operating without interpreters (with the exception of an interpreter for the Arabic language between September 2018 and January 2019).²
- Female asylum seekers have been placed in administrative detention in various police stations in Lesvos in conditions that are unsuitable for the detention of asylum seekers for significant periods of time. This practice appears to have started in Lesvos on 8 January 2020.
- Asylum seekers have been placed in administrative detention for reasons of “public order” without being served with a reasoned decision. In addition, such a ground for administrative detention contravenes the case-law of the European Court of Human Rights according to which administrative detention is non-punitive by nature.

11. Excessive procedural obstacles in terms of access to legal representation

- According to Article 71, para. 1 of the new Law, for a lawyer’s power of attorney to be valid, the authenticity of the asylum seeker’s signature has to be certified by a public authority. However, the notification of a rejection decision terminates, *ipso jure*, the validity of the applicant’s asylum card. As a result, asylum seekers are unable to access legal representation at second instance, and lawyers are unable to receive copies of their clients’ file. This is because rejected applicants can no longer grant authorization for a lawyer to represent them, as KEP will not certify their signature of a power of attorney without a valid asylum card. Likewise, the Police Department refuses to certify their signature, although it has access to the applicant’s personal data. The same problem occurs in relation to legal support in cases of subsequent applications for

² HIAS, ‘LOCKED UP WITHOUT RIGHTS Nationality-based detention in the Moria refugee camp’, December 2019, Available here: https://www.hias.org/sites/default/files/report_on_low_profile_detention_in_greece_hias_dec_2019.pdf

international protection, as no applicant's card is provided to the asylum seekers until their application is found admissible. Furthermore, it has been observed that Lesvos RAO does not issue asylum applicant's cards to persons who arrived after the entry into force of the new Law.

- In numerous cases, lawyers who were present at the asylum interview or appeal hearing of their client have nevertheless been asked to provide a power of attorney with a certified signature, although their client had already instructed them orally before the respective authorities, which is sufficient under domestic legislation.
- It is also worth mentioning that Lesvos RAO has already requested the replacement of all the powers of attorney which had been submitted by lawyers prior to the entry into force of the new Law with authorisations that bear the certification of the authenticity of their clients' signature.
- It is also highly problematic that lawyers can acquire *ipso jure* the legal representation of an asylum seeker, without the possibility to withdraw from it, simply by the effect of the latter's "written statement bearing a signature the authenticity of which has been certified by a public authority" (Article 71, para. 7 of the new Law). This affects the very essence of the legal profession, as it dispenses with the lawyers' right to withdraw from representing a client (Article 142, para. 3 of the Civil Procedure Code). In addition, the asylum seeker who has authorized a lawyer is effectively deprived of the possibility to revoke said authorization because of the burdensome procedure to do so. In this respect, the parallel demand by Lesvos RAO to update the written power of attorney every six months seems paradoxical.

III. CONCLUSION

The authorities are required to implement a legislation which has been poorly formulated and contains plenty of errors. The new Law has introduced a series of excessive obligations which place a disproportionate burden on asylum seekers. At the same time, it failed to organize the way in which the administrative apparatus is expected to manage the increased workload resulting from its implementation. Consequently, the authorities are unable to promptly and

effectively enable applicants to complete the burdensome procedures introduced by the new Law. In fact, the competent authorities are yet to receive clear and comprehensive guidance regarding the implementation of the new legislation.

Already in the first months following the entry into force of the new Law, asylum seekers have had their basic rights and procedural guarantees violated, while they suffered from the further deterioration of the already inadequate reception and identification procedures in the hotspot. The newly implemented system has placed undue obstacles on asylum seekers' access to each step of the asylum procedure, resulting in their eventual exclusion therefrom, while the authorities have consistently failed to provide them with the minimum substantive and procedural guarantees. Asylum seekers are *de facto* impeded from exercising their rights, including that of an effective remedy, which gives rise to potential breaches of the principle of non-refoulement. In addition, the new Law unavoidably leads to violations of the principle of family unity and of the best interest of the child, as well as to practices of arbitrary administrative detention and readmission.

As it transpires from the above analysis, the implementation of the new Law not only places additional administrative burden on an already overwhelmed Administration, but also leads to practices that contravene European and international law and expose Greece to convictions by European and international Courts and bodies.