

## THE GROWING PROBLEM OF ASYLUM SEEKERS' TREATMENT IN EUROPE

NOVEMBER 2013

**F**ollowing recent political and social developments in the Middle East and North Africa, especially after the Arab uprisings and the security crisis in Syria, the number of asylum applications from those regions is increasing in Europe each year. According to the European Asylum Support Office (EASO), the EU member states faced more than 200 000 asylum applications during the first half of 2013.

One of the main gateways into the European Union for asylum seekers and irregular migrants is Greece,

which land border with Turkey has been identified as the main entry point. However, they usually do not immediately lodge an application, but try to reach other EU member states, usually Germany or Sweden. A reason behind such decision is that Greece has not shown to be asylum-friendly country, having serious challenges with the asylum system and very low rate of approvals.

This month the Court of Justice of the European Union (ECJ) ruled a decision that raises concerns about the Greek asylum system. Namely, the decision refers

to the case of Mr. Kaveh Puid, Iranian citizen that entered Greece in 2007 with forged documents and then was transferred to Germany where he submitted an application for asylum. However, Germany declared his application inadmissible according to Regulation Dublin II and decided to deport him to Greece as the county competent to process the application. According to Dublin II Regulation, asylum seekers have to be sent back to the first EU point of entry. This means that the countries at the external borders of EU share the heaviest burden for dealing with asylum seekers.

Nevertheless, Mr.Puid appealed on such decision referring to the treatment asylum seekers get in Greece. After deciding in favor of the Iranian asylum seeker, the court requested an opinion from the European Court of Justice for further clarifications of the Dublin II Regulation. Finally, ECJ ruled that “a Member State is required not to transfer an asylum seeker to the Member State initially identified as responsible where systemic deficiencies in the asylum procedure and in the conditions for the reception

analyticamk.org



of asylum seekers in the Member State initially identified as responsible provide substantial grounds for believing that the applicant would face a real risk of being subjected to inhuman or degrading treatment.”<sup>1</sup>

The case of Mr.Puid is not the first case proving mistreatment of asylum seekers in a EU member state. In 2011, the European Court of Human Rights judged that Greece violated Articles 3 and 13 of the European Convention of Human Rights in regards to transfer according to the Dublin ruling. The judgment refers to an improper system of reception conditions and inadequate access to asylum procedure.

What is more, the Office of the United Nations High Commissioner for Refugees (UNHCR) started monitoring in 2009 the announced reform of the asylum system in Greece that had an aim to restore the credibility of the asylum system and to ensure human and fair treatment of the asylum seekers.<sup>2</sup> In addition,

UNHCR recommended against transfer of asylum seekers under the Dublin II Regulation. Three years later, this recommendation is still applicable nowadays, although there are indeed changes in legislation and institutions competent for asylum issues. In addition, asylum approval rate in Greece is very low – less than 1% in time when the approval rate on European level for Syrian refugees is around 90%, which discourages the refugees to ask for protection.

Surprisingly, the case of Mr. Puid did not evoke any interest in the Macedonian public life and rarely any media reported on this decision of the EU top court. Macedonia is not immune on irregular migration and asylum seekers as part of the Balkan route which is highly used by the migrants to transfer from Greece to other EU member state by land. In case the person is caught by the Macedonian Police and there is a decision on deportation, he/she should be deported to the country

of origin or the country where the person entered from, if there is an evidence for that (i.e. transportation ticket, bills or any other prove). In most of the cases, that would be Greece.

Macedonian authorities should seriously consider the latest decision by the Court of Justice of the European Union and closely follow the Greek efforts to establish an effective asylum system that corresponds to the European standards and meet the needs for international protection. Besides, Analytica’s research showed the number of approved asylum application is very limited, much lower than the European average rate. There is a necessity for revision of the asylum policy and cautious approach when deciding on people’s destinies. From perspective of human security, national authorities should not deport anyone to a country where there is a threat of mistreatment and violation of human rights.

---

1 Press release of the Court of Justice of the European Union from 14.11.2013

2 Observations of Greece as a country of asylum, UNHCR, 2009

Written by: Magdalena Lembovska,  
Research Fellow, Foreign and Security Policy Programme  
[mlembovska@analyticamk.org](mailto:mlembovska@analyticamk.org)