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EU INTERNATIONAL RELATIONS AND DIPLOMACY STUDIES

The Rights of Refugees at the Borders of the EU

The case study of Syrian Refugees crossing the

Greek-Turkish and Bulgarian-Turkish borders

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# Statutory Declaration

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15.183 words

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# Abstract

This thesis looks at the legal framework concerning the status of refugees in the European Union and investigates how the practices of the member states involve human rights violations at the borders. By specifically examining the EU member states, notably, Greece and Bulgaria which hold the external borders of the Union with Turkey, the research aims to have a clear picture on the various claims of human rights violations at EU borders with respect to EU member states’ obligations to International and European legislation governing the status of refugees and respect to human rights.

Ever since Turkey has opened its borders to Syria and accepted refugees into its territory without giving them international protection, Turkey has mainly served as a transit country for those who strive for a better life in the European Union. More than 90% of refugees and irregular migrants have used Greece as the main entrance point to the EU until 2010s. With the rising numbers of Syrian refugees trying to cross the Greek border, it has adopted various measures to keep the migrants out. Under these circumstances, Bulgaria has become another country to seek refuge, even though it is not part of the Schengen zone.

The policies of Greece and Bulgaria to prevent the irregular border crossings have raised concerns from various organizations like Fundamental Rights Agency, UNHCR and Human Rights Watch. Several NGOs like Amnesty International and Pro Asyl have documented the violations of human rights in these countries via their reports. This study therefore looks at the International and European legislation concerning the human rights and the status of refugees: 1951 Geneva Convention Relating to the status of Refugees and its 1967 Protocol, European Convention on Human Rights, Charter of Fundamental Rights of European Union, and the Directives and Regulations which are incorporated into the Common European Asylum System. The reports of various organizations depict that the refugees were subject to inhuman and degrading treatment at the borders and were often illegally pushed back to Turkey. By understanding the allegations in these reports and the legal framework governing this issue, this study aims to understand the discrepancies in this policy area of the Union and its Member States.

# Keywords

Asylum

Bulgaria

Common European Asylum Policy

External Borders of the EU

Greece

Human Rights

Non-refoulement

Syrian Refugees

Table of Contents

[Statutory Declaration ii](#_Toc418506723)

[Acknowledgements iii](#_Toc418506724)

[Abstract iv](#_Toc418506725)

[Keywords v](#_Toc418506726)

[Table of Contents vi](#_Toc418506727)

[List of Tables and Charts viii](#_Toc418506728)

[List of Abbreviations ix](#_Toc418506729)

[1. Introduction 10](#_Toc418506730)

[2. International and European Legislation governing the Refugees and Human Rights 16](#_Toc418506731)

[2.1 1951 Convention Relating to the Status of Refugees and the 1967 Protocol 16](#_Toc418506732)

[2.2 Human Rights and Fundamental Freedoms 18](#_Toc418506733)

[2.3 Common European Asylum System 20](#_Toc418506734)

[2.3.1 The Evolution of Common European Asylum System 21](#_Toc418506735)

[2.3.1.1 The Tampere and Hague Summits 21](#_Toc418506736)

[2.3.1.2 The Lisbon Treaty and the Stockholm Programme 23](#_Toc418506737)

[2.3.2 Directives, Regulations and Funds relating to status of Refugees 25](#_Toc418506738)

[2.3.2.1 Asylum Procedures Directive 25](#_Toc418506739)

[2.3.2.2 Reception Conditions Directive 26](#_Toc418506740)

[2.3.2.3 Qualification Directive 26](#_Toc418506741)

[2.3.2.4 Dublin Regulation 27](#_Toc418506742)

[2.3.2.5 EURODAC Regulation 28](#_Toc418506743)

[2.3.2.6 Solidarity and Management of Migration Flows (SOLID) and Asylum, Migration and Integration Fund (AMIF) 29](#_Toc418506744)

[3. The Greek – Turkish Border: The violations of the rights of the Syrian Refugees 33](#_Toc418506745)

[3.1 The EU aid to Greece 34](#_Toc418506746)

[3.2 The shift from land route to the Mediterranean 35](#_Toc418506747)

[3.3 Rejection of refugees at the borders 37](#_Toc418506748)

[3.4 Responses to the Allegations of Pushbacks 39](#_Toc418506749)

[4. The Bulgarian-Turkish border: The Containment Plan of Bulgaria 41](#_Toc418506750)

[4.1 Measures taken by the Bulgarian authorities 42](#_Toc418506751)

[4.2 Rejection of refugees at the “official” borders 44](#_Toc418506752)

[4.3 Conditions of Refugees in Bulgaria 45](#_Toc418506753)

[5. Conclusions: Refugees Trapped in Transit 48](#_Toc418506754)

[ANNEX 51](#_Toc418506755)

[BIBLIOGRAPHY 57](#_Toc418506756)

#

# List of Tables and Charts

[Figure 1: Reason for incoming take charge requests, 2008-2012 28](#_Toc418257808)

[Figure 2: Solidarity and Management of Migration Flows Programme 29](#_Toc418257809)

[Figure 3: Allocation of Refugee and External Borders Funds in Some Member States 31](#_Toc418257810)

# List of Abbreviations

AMIF Asylum, Migration and Integration Fund

AST Asylum Support Teams

CFR Charter of Fundamental Rights of the European Union

CEAS Common European Asylum System

CJEU Court of Justice of the European Union

CRC UN Convention on the Rights of the Child

DG Directorate General

EASO European Asylum Support Office

EBF External Borders Fund

ECHO Humanitarian Aid and Civil Protection department

ECtHR European Court of Human Rights

EIF European Fund for the Integration of third-country nationals

ERF European Refugee Fund

EU European Union

EURODAC European Dactyloscopy

FRA Fundamental Rights Agency

FRONTEX Frontières Extérieures

ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural Rights

ISF Internal Security Fund

NGO Non-Governmental Organization

RABIT Rapid Border Intervention Teams

RF Return Fund

SAR State Agency of Refugees

SOLID Solidarity and Management of Migration Flows

TFEU Treaty on Functioning of the EU

UNHCR United Nations Refugee Agency

VIS Visa Information System

# Introduction

Ever since the outbreak of the Syrian civil war in 2011, the conflict forced millions of Syrians to flee their home country in order to seek refuge in neighboring countries like Turkey, Lebanon, Jordan and Iraq. As of December 2014, it is estimated that more than 7.6 million people are internally displaced in Syria[[1]](#footnote-1). According to a more recent report of UNHCR (March 2015), the number of Syrian refugees is estimated to be 3,329,031 and Turkey has turned into the world’s biggest refugee hosting country, with more than 1.7 million refugees[[2]](#footnote-2).

Having Iraq, Jordan and Lebanon as neighbors which are not signatories of the 1951 Convention on the Status of Refugees[[3]](#footnote-3), Turkish asylum policies encouraged most of the Syrians cross the Turkish border. However, Turkish acceptance of the Convention has a geographical limitation, “implying that the Turkish state grants refugee status and the right to asylum only to persons who have become refugees as a result of events occurring in Europe”[[4]](#footnote-4). Refugees who are coming outside of Europe used to be assessed in cooperation with UNHCR but they are recognized not as “refugees” but “guests” in Turkey[[5]](#footnote-5). With the help of the new “Law on Foreigners and International Protection” which was passed by the Turkish Parliament in 2013, a “temporary protection regime” was created for Syrian guests[[6]](#footnote-6). The temporary protection accepts the *non-refoulement* as a fundamental principle and requires the “registration with the Turkish authorities and support inside the borders of camps”[[7]](#footnote-7). However, one of the major complaints of the Syrians is the vulnerability of the not having refugee status and that the “guest status implies unpredictability about their presence in Turkey”[[8]](#footnote-8). The Syrian guests in Turkey claim that “the Turkish state has not carried out a policy towards Syrians based on a discourse of rights, but rather one based on generosity”[[9]](#footnote-9).

Syrians who are trying to have legal rights outside of their home country see Europe as a point of refuge. According to the Migration Policy Centre, there are three different routes to the European Union in which people fleeing Syria may choose to take to reach Europe[[10]](#footnote-10). The first one is the land route from Turkey to either Greece or Bulgaria[[11]](#footnote-11). In order to use this route, Syrians are travelling though Turkey, which is a county they can enter without a visa[[12]](#footnote-12) and try to cross Turkey’s northwestern borders to enter either Greece or Bulgaria. The second route is the air route which can be used to directly enter any EU member state, however it requires a visa and it is nearly impossible to calculate the exact number of Syrians who have already used this way to reach Europe[[13]](#footnote-13). The third route is the sea route across the Mediterranean to Greece, Cyprus, Malta or Italy.[[14]](#footnote-14) Despite the existence of these routes, it was estimated in the beginning of 2014 that Europe has “taken only 2.9% of overall Syrian refugee population”[[15]](#footnote-15)and it was stressed by the UNHCR that “this number is small given the magniture of the refugee crisis”[[16]](#footnote-16). A spokesperson for the High Commissioner for Refugees at the UN stated in 2014 that "Turkey received 138,000 refugees in three days, which is equivalent to what was received by Europe throughout the past three years"[[17]](#footnote-17). “Between March 2011 and December 2013, the Member States of the EU received 69,740 asylum claims from Syrian citizens and made 41,695 positive decisions”[[18]](#footnote-18). However, it would be wrong to assume that all member states of the EU shared the burden of the asylum applications equally. Sweden and Germany[[19]](#footnote-19) took more than two thirds of the asylum seekers[[20]](#footnote-20), whereas “Lithuania and Austria did not receive a single asylum seeker from Syria” in 2012. Bulgaria was the third state which received the most asylum applications[[21]](#footnote-21).

Even though there has been a regular flow of Syrians seeking asylum in Europe before the beginning of the crisis, the European response to the refugees after the Syrian crisis was not proportionate with the magnitude of the problem[[22]](#footnote-22). Syrian asylum seekers had to cope with the increasing obstacles on their way to the EU, most of them hoping that smugglers would help them to reach Europe[[23]](#footnote-23). “The ratio of Syrians smuggled by sea to Greece or Italy, compared to those regularly seeking asylum in the EU member states, has jumped from 14.7% in 2011 to 40.9% in 2012 and 44.7% in 2013[[24]](#footnote-24). Especially with the obstacles set by the Greek and Bulgarian authorities at their Turkish border, the number of Syrians who put their lives at risk at the Mediterranean sea increased sharply.

Given the fact that the Syrian refugee crisis came just after the Iraqi refugee crisis of 2006-2009, the countries that are guarding the external borders of the EU have been “under extreme strain due to the massive influx of refugees and the pressure they exert on housing, food, water, schools, hospitals, etc. not to mention security and the social order”[[25]](#footnote-25). These so-called countries of the first arrival, especially Bulgaria and Greece are under pressure to “maintain and secure the European borders from Syrians attempting to enter, while granting protection to Syrians who already made their way to the EU”[[26]](#footnote-26). According to the EU law, the border security remains under the member state competences, and the countries of first arrival are taking pre-emptive steps to guard their borders for a possible inflow of refugees and migrants[[27]](#footnote-27).

The EU and its member states have taken various measures in order to defend their external borders and prevent the irregular migrants entering their territories, regardless of their intentions. The EU has funded “sophisticated surveillance systems”, given financial support to member states at its external borders, such as Bulgaria and Greece, to “fortify their borders”[[28]](#footnote-28) and with the help of Frontex agency, the EU has conducted border surveillance missions to keep irregular migrants out. According to the Amnesty International’s *The Human Cost of Fortress Europe[[29]](#footnote-29)* report, “migrants and refugees are being expelled unlawfully from Bulgaria, Greece and Spain, without access to asylum procedures and often in ways that put them at grave risk”[[30]](#footnote-30). The asylum seekers who had already reached Europe are facing long period assessment procedures and being kept in reception and detention centres in degrading conditions. “The EU and member states have sought to create a buffer zone by entering into cooperation arrangements with neighbouring countries that help them block irregular migration towards Europe”[[31]](#footnote-31). According to the European Commission's Humanitarian Aid and Civil Protection department (ECHO) April 2015 report, the European Union and its member states has gave 3.6 billion euros[[32]](#footnote-32) to the countries who are hosting Syrian refugees. Also, the EU has signed a “readmission agreement” with Turkey, which obliges the Turkish state “to take asylum seekers whose applications have been rejected in a Member State and had previously transited Turkey to enter EU territory”[[33]](#footnote-33).

The measures taken by the EU and its member states to protect its borders and prevent the irregular migrants entering its territories will be questioned in this thesis. Greek and Bulgarian borders with Turkey are now closed off with fences, the surveillance measures and the number of security forces deployed has increased drastically, which lead Syrian refugees to take dangerous roads to enter Europe[[34]](#footnote-34). This research aims to investigate the border security policies of these two states of the EU, namely Greece and Bulgaria. By looking at the European and International legal framework governing the irregular migrants and the refugees, the research looks at the policies and the practices of these two states concerning the Greek-Turkish and Bulgarian-Turkish border. Several organizations such as Amnesty International, Human Rights Watch, Pro Asyl, UNHCR and Fundamental Rights Agency have raised concerns over the human rights compliance of Greece and Bulgaria and pointed out to the violations of human rights at the Turkish borders of these countries.

This thesis therefore will first look at the legal framework concerning the governance of irregular migration and refugees. On the international level, the Charter of Fundamental Rights and the 1951 Geneva Refugee Convention and its 1967 Protocol, with the obligations it poses on signatory states will be examined. On the European level, after briefly exploring the evolution of Common European Asylum System, the directives and the regulations governing this policy area will be covered in the first chapter. The funds allocated for the asylum and the migration policies of the Union are particularly important since they demonstate the implicit interests of the EU in this policy area.

The second and third chapters will focus on Greece’s and Bulgaria’s border guarding policies respectively. Greek-Turkish border has traditionally been the route where most of the irregular migrants use in order to enter the EU. At the end of 2011, the Greek government decided to build a “12.6-km-long razor-wire topped fence designed to keep out migrants”[[35]](#footnote-35) and rest of the Greek-Turkish border, which is a 180 km long river Evros has been patrolled with the cooperation of Frontex. The operation JO Poseidon Land has started in 2011 as an follow-up of the operation RABIT 2010 and Bulgaria also became a hosting country of it[[36]](#footnote-36). According to Frontex reports, the detections of Syrians has increased 467% in 2012 compared to previous years on the Eastern Mediterranean Route[[37]](#footnote-37), and the asylum applications by Syrian migrants has increased 80%[[38]](#footnote-38). Also, in 2012 “Syrians showed the highest rate of increase in detections of illegal border-crossing, and they were increasingly detected as illegal stayers, in both cases these indicators were almost exclusively reported by Greece”[[39]](#footnote-39). However for Syrian refugees, Greece constitutes yet another transition country. Germany and Sweden are two examples of their final destinations because in these two countries, “Syrian nationals applying for international protection are automatically granted some form of protection”[[40]](#footnote-40).

When Greek government announced the “temporary deployment of 1,881 additional police officers and technical equipment to the Evros region for a planned period of two months of operation Aspida”[[41]](#footnote-41) and the operation turned out to be a permanent one, it had significant effects on the migration routes at the Eastern Mediterranean borders of the EU. According to Frontex reports, even though there was a significant decrease in the detections of irregular migrants at Greek-Turkish border, the migration routes had mostly shifted to Bulgarian-Turkish border and the Greek sea route[[42]](#footnote-42). To tackle the increasing migration flows, Bulgarian government also “initiated a specialized police operation including the reinforcement of manpower and the deployment of technical assets”[[43]](#footnote-43). Together with the Turkish police, Bulgarian government worked on the prevention of the irregular border crossings[[44]](#footnote-44).

Taking into account the operations JO Poseidon Sea and Land, and the operation Aspida on the Greek side and Bulgarian Border Guard Authority deploying “a specialized police operation and enhanced air surveillance at the Bulgarian-Turkish border”[[45]](#footnote-45) with “additional officers, patrol cars and service dogs” and the launch of the “Integrated Border Surveillance System[[46]](#footnote-46)”, the busy traffic at the Eastern Mediterranean borders of the EU has gradually decreased. “Detections on the Eastern Mediterranean route represented 18% of the EU total in 2013”[[47]](#footnote-47): 2043 detections on the second quartile of the year which were mainly from the Bulgarian side. By 2014, the main route for the Syrian refugees has become the Central Mediterranean route across the Italian sea borders[[48]](#footnote-48). The number of Syrian refugees in Turkey who used air travel to go to Libya or taking small fishing boats from Mersin, a city situated in the south of Turkey, to reach Algerian shores has increased sharply[[49]](#footnote-49). Even though the Syrians using this Central route are not mainly refugees coming from Turkey but from Egypt, the decrease in the number of detections at the Greek-Turkish and Bulgarian-Turkish borders are visible.

Despite these facts, the starting point of this thesis is the Frontex’ use of the word “detect”. This thesis aims to investigate what happens to these individuals when they are “detected” trying to cross the border and enter into the EU. The Frontex reports which are published four times per year give specific numbers of persons detected, together with their nationalities and some other relevant information such as their gender and age. However the question of whether they are allowed to enter the country or being sent back to Turkey is not answered adequately. This thesis will analyse the Greek-Turkish and Bulgarian-Turkish borders, which are the topics examined in the second and third chapters respectively.

# International and European Legislation governing the Refugees and Human Rights

## 2.1 1951 Convention Relating to the Status of Refugees and the 1967 Protocol

“The refugee is perceived as an involuntary migrant, as a victim of circumstances which force him to seek sanctuary in a foreign country”[[50]](#footnote-50). After the end of the World War II, the Office of the UN High Commissioner for Refugees (UNHCR) was created in 1950, and the 1951 Convention Relating to the Status of Refugees was signed by 145 states. However, the status of refugees has gradually evolved, as the original convention was only limited to the “European refugees” before 1 January 1951. Thus, the 1967 Protocol has removed the time and geographical limitations[[51]](#footnote-51). The Convention has also “helped inspire important regional instruments such as the 1969 OAU Refugee Convention in Africa, the 1984 Cartagena Declaration in Latin America and the development of a common asylum system in the European Union”[[52]](#footnote-52).

According to the 1951 Convention Article 1A, a refugee is defined as,

*“a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him — or herself of the protection of that country, or to return there, for fear of persecution”[[53]](#footnote-53).*

The Convention also states the obligations of refugees towards their host countries and the basic rights that the host country has to grant a refugee[[54]](#footnote-54). “As the connection between refugee and host state deepens over time, the scope of these rights increases”[[55]](#footnote-55). However, these rights and obligations are not constitutive but declaratory since the UNHCR has the sole function to supervise the application of the states and does not create binding obligations[[56]](#footnote-56).

Article 33 of the 1951 Convention has established the “principle of non-refoulement”, which implies that,

*“no Contracting State shall expel or return a refugee in any manner of whatsoever to the fronters of territories where his life or freedom would be treathened on account of his race, religion, nationality, membership of a particular social group or political opinion”[[57]](#footnote-57).*

Today, this principle is accepted as part of the customary law applying to all humanitarian refugees, and even the states who are not signatories to the Convention and its Protocol has to respect this principle[[58]](#footnote-58). However “this protection may not be claimed by refugees who are reasonably regarded as a danger to the security of the country, or having been convicted of a particularly serious crime, are considered a danger to the community”[[59]](#footnote-59). Along with the non-refoulement principle, the term of “temporary refugee” has also established itself as part of the customary law through state practice[[60]](#footnote-60). “Temporary refuge means a prohibition on forced repatriation so long as conditions in the country of origin remain unsafe in situations of mass influx triggered by fears of generalized violence stemming from internal armed conflict”[[61]](#footnote-61).

The protection of a refugee is primarily the responsibility of the host state. Although the 1951 Convention does not prescribe a “particular procedure for the determination of whether a person is a refugee, whether an individual assessment is the preferred approach, any procedures must be fair and efficient”[[62]](#footnote-62). While “asylum”[[63]](#footnote-63) is the institution of the protection of the refugee, there is no referrence to what asylum is in any international treaty, hence no generally agreed definition of what the protection of refugees entail[[64]](#footnote-64).

A particular problem to the determination of refugees arises when “people likely to be entitled to international protection move together with economic or other migrants”[[65]](#footnote-65). Compared to refugees, a migrant “may leave his or her country for many reasons that are not related to persecution, such as for the purposes of employment, family reunification or study, and continues to enjoy the protection of his or her own government, even when abroad”[[66]](#footnote-66).

All of the member states of the European Union have signed and ratified the Convention and its Protocol. The EU itself is not a signatory party but according to Article 78 (1) TFEU, it has to comply with them. The EU has also issued a “Refugee Qualification Directive” in 2004 to “define the category of persons who are entitled to protection as refugees within Europe’s harmonized asylum system”[[67]](#footnote-67). The directive also goes beyond the principles in the Convention, “extending protection to people outside the Convention definition, who are at risk of ‘serious harm’ in the form of a death sentence, torture or inhuman or degrading treatment, or through ‘indiscriminate violence’ in an armed conflict”[[68]](#footnote-68). Further European policies on this issue will be investigated in the following sections.

## 2.2 Human Rights and Fundamental Freedoms

United Nations’ *Declaration of Human Rights of 1948* is the first document that established the rights of individual human beings. Even though this document was not signed by UN member states as a treaty, thus is not legally binding, the Declaration inspired the protection and promotion of human rights worldwide.

The Council of Europe drafted the *European Convention on Human Rights* in 1950, which covered broader rights than United Nations’ Declaration and is binding upon all Council of Europe member states. “The intention was that for the first time human beings within Europe should have human rights enforceable under international law, before a court independent of the nation states, against public authorities”[[69]](#footnote-69). Since this document lays down the general human rights principles, it does not explicitly deal with the asylum matters. The EU is not a signatory party to this treaty however the Article 6 (3) TEU states that the rights in the treaty “constitute general principles of the Union’s law”[[70]](#footnote-70).

The Lisbon Treaty of the EU made the *Charter of Fundamental Rights of the European Union* (CFR) legally binding. Even though the CFR was created and ratified in 2000, its legal status was uncertain until the Lisbon Treaty.

*“The CFR represents a particularly important development in human rights protection by the EU, firstly because the rights enumerated therein extend beyond those hitherto recognised by the Court of Justice of the European Union as part of the ‘general principles’ of law, and secondly because they go beyond the scope of the European Convention”[[71]](#footnote-71).*

Article 51 of the Charter states that it applies to the institutions, bodies, offices and agencies of the Union and the Member States when they are applying the Union law[[72]](#footnote-72). With respect to refugees and asylum seekers, the Article 18 states that,

*“The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty establishing the European Community”[[73]](#footnote-73).*

Also, Article 19 of the Charter prohibits the collective expulsions and repeats the compliance with the principle of non-refoulement[[74]](#footnote-74).

In addition to these international treaties, several other documents like the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UNCAT), the *International Covenant on Civil and Political Rights* (ICCPR), *the International Covenant on Economic, Social and Cultural Rights* (ICESCR) and the *UN Convention on the Rights of the Child* (CRC) also have provisions that could be interpreted as relevant to the status of refugees, even though the EU is not a signatory party of these documents. However, according to the Article 78 (1) of the TFEU, the asylum policies of the Union must not only be in accordance with the Geneva Convention of 1951 and its Protocol, but also with “other relevant treaties”[[75]](#footnote-75). Given the CJEU decision that the human rights treaties signed by the member states constitute the general principles of the EU law, the Union should also comply with these other relevant treaties[[76]](#footnote-76).

## 2.3 Common European Asylum System

In 1985, five member states of the EU (France, Germany and the Benelux countries) signed the Schengen Agreement in order to gradually abolish the internal borders between them. “Thus, in 1985 these countries signed the Schengen Agreement that established common rules regarding visas, the right to asylum and checks at external borders”[[77]](#footnote-77). However, this agreement remained outside the EU framework up until the Amsterdam Treaty.

“A larger number of governments, including the United Kingdom, were negotiating a Convention aimed at designating a single country as responsible for the handling of an asylum application”[[78]](#footnote-78). The main reason for this is the fact that the negotiating countries were afraid of “asylum shopping” and the asylum seekers would apply to another country if their application is rejected in one. The Dublin Regulation was signed in 1990 because of these concerns and “it is the precursor of the current ‘Dublin II’ Regulation”[[79]](#footnote-79) which will be examined in this chapter.

The first reference to the European asylum policy was in the Maastricht Treaty and the three pillar structure which included the Justice and Home Affairs. Article K 1 of the Maastricht Treaty listed the asylum policy as a matter of common interest for all the member states of the EU[[80]](#footnote-80). However this pillar was only meant to be used under the auspices of the intergovernmental cooperation between the EU member states, and the Union institutions had no competence in it. With the Treaty of Amsterdam, the Union aimed to progressively establish an area of freedom, security and justice[[81]](#footnote-81), and Article 73k stated that the Council would adopt measures on asylum, refugees and displaced persons and an immigration policy in specific areas[[82]](#footnote-82). The treaty also “communitarized” the asylum matters by moving it from third pillar to the first pillar.

### 2.3.1 The Evolution of Common European Asylum System

#### 2.3.1.1 The Tampere and Hague Summits

The Tampere European Council of 1999 set the establishment of a common EU asylum and migration policy as a goal[[83]](#footnote-83). According to its conclusions,

*“The European Council reaffirms the importance the Union and Member States attach to absolute respect of the right to seek asylum. It has agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement”[[84]](#footnote-84).*

In order to create such a system, the EU asylum and migration policy was divided into two separate policy prospects. In the short term, the European Council decided to have,

*“a clear and workable determination of the State responsible for the examination of an asylum application, common standards for a fair and efficient asylum procedure, common minimum conditions of reception of asylum seekers, and the approximation of rules on the recognition and content of the refugee status”[[85]](#footnote-85)*.

Also, the Council decided to adopt measures on subsidiary forms of protection[[86]](#footnote-86), to agree on the issue of temporary protection of internally displaced persons[[87]](#footnote-87) and to create the EURODAC system[[88]](#footnote-88) which was aimed to identify the asylum seekers. In the long term, the European Council stated that the adoption of such rules in short term “should lead to a common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union”[[89]](#footnote-89). The conclusions of the Tampere Summit eventually led to the adoption of the “Directive on Minimum Standards for Temporary Protection”[[90]](#footnote-90), the “EURODAC Regulation”[[91]](#footnote-91), the “Directive on Minimum Standards for the Reception of Asylum Seekers”[[92]](#footnote-92), the “Dublin II Regulation”[[93]](#footnote-93) and the “Qualification Directive”[[94]](#footnote-94) which will be discussed in the following sections.

After the end of the Tampere program, which was envisaged for the period 1999-2004, the European Council adopted the Hague programme,

*“to improve the common capability of the Union and its Member States to guarantee fundamental rights, minimum procedural safeguards and access to justice, to provide protection in accordance with the Geneva Convention on Refugees and other international treaties to persons in need, to regulate migration flows and to control the external borders of the Union...”[[95]](#footnote-95)*

Since the Tampere Summit’s agenda for five years has ended, the Hague programme adopted new measures and identified ten specific priority areas for 2005-2010[[96]](#footnote-96). In order to strengthen fundamental rights and citizenship, the European Fundamental Rights Agency (FRA) was created in 2007 and it was decided that the Commission would devote “special attention to children’s rights and to continuing its efforts to combat violence against women”[[97]](#footnote-97). “Solidarity and Management of Migration Flows” framework programme was also created, which covered the creation of an External Borders Fund, an Integration Fund, a Return Fund and a European Refugee Fund to define a balanced approach to migration[[98]](#footnote-98). Since the management of external borders became an important issue, the FRONTEX agency was created in 2004, which according to the European Commission, “contributes to the efficient, reinforced and uniform control of persons and surveillance of EU States' external borders”[[99]](#footnote-99). In addition, the Visa Information System (VIS) in order to exchange information among the Member States[[100]](#footnote-100) and the biometric identifiers for the European citizens[[101]](#footnote-101) was created in 2004.

#### 2.3.1.2 The Lisbon Treaty and the Stockholm Programme

The Treaty of Lisbon establishes the legal basis for the creation of a Common European Asylum Policy. Article 67(2) TFEU sets the EU's “competence in establishing a common policy on asylum, immigration and external border control, based on solidarity between MS and fairness to non‐EU nationals”[[102]](#footnote-102). According to Article 80 TFEU, this policy is based on the principle of fair sharing of responsibilities and its financial implications between EU member states[[103]](#footnote-103). With the Lisbon Treaty, decision-making on the issues of immigration policies was decided to be taken within the framework of the ordinary legislative procedure[[104]](#footnote-104). Previously, the “measures to determine the entry, residence, and rights of legal migrants”[[105]](#footnote-105) were decided unanimously. However, with the new decision-making procedure, the European Parliament has the right to veto over these measures, a feature that makes it one of the key actors in this policy area.

The most recent Justice and Home Affairs programme is the “Stockholm Programme” which was envisaged for the period of 2010-2014. It stated that,

*“There are still significant differences between national provisions and their application. In order to achieve a higher degree of harmonisation, the establishment of CEAS, should remain a key policy objective for the Union. Common rules, as well as a better and more coherent application of them, should prevent or reduce secondary movements within the Union, and increase mutual trust between Member States”[[106]](#footnote-106).*

As it was stated above, the Qualification Directive, the Reception Conditions Directive, the Dublin Regulation, the EURODAC Regulation and the Asylum Procedures Directive were the measures taken during the first phase of the CEAS. The Stockholm Programme added three other related measures to the Justice and Home Affairs system. The first one is “an amendment to the EU’s ‘long-term residents’ Directive’”, in order to “allow refugees and persons with subsidiary protection to claim this status”, which was adopted in 2011[[107]](#footnote-107). The second decision was an amendment to the “EU’s refugee fund, to allow for more spending on resettlement of refugees” and the third one is the creation of European Asylum Support Office (EASO)”[[108]](#footnote-108) with the aim of dealing with asylum cases in all Member States in a coherent way[[109]](#footnote-109).

### 2.3.2 Directives, Regulations and Funds relating to status of Refugees

#### 2.3.2.1 Asylum Procedures Directive

Adopted in 2005, the Asylum Procedures Directive[[110]](#footnote-110) sets out rules on the whole process of claiming asylum in EU member states. It includes specific details on,

*“how to apply, how the application will be examined, what help the asylum seeker will be given, how to appeal and whether the appeal will allow the person to stay on the territory, what can be done if the applicant absconds or how to deal with repeated applications”[[111]](#footnote-111).*

However, the measures on this directive were serving as a “lowest common denominator between Member States at the time”[[112]](#footnote-112). Because the member states were still able to apply their own standards on the asylum procedures, a new Asylum Procedures Directive[[113]](#footnote-113) was adopted in 2013. It is important to note that the recast Asylum Procedures Directive applies to all EU Member States with the exception of Denmark, Ireland and the United Kingdom[[114]](#footnote-114), and the Ireland and the UK will continue to be bound by the 2005 Directive.

According to the Commission Directorate General (DG) Home Affairs, the directive “creates a coherent system, which ensures that asylum decisions are made more efficiently and more fairly and all Member States examine applications with a common high-quality standard”[[115]](#footnote-115). In addition, the Directive envisages giving the necessary support for unaccompanied minors, the victims of torture and the asylum seekers with special needs.

#### 2.3.2.2 Reception Conditions Directive

In order to establish common standards for the conditions of asylum seekers while waiting for the examination of their claim, the Reception Conditions Directive[[116]](#footnote-116) was adopted in 2003. The aim of this Directive was to establish common standards for the applicants’ “access to housing, food, healthcare and employment, as well as medical and psychological care”[[117]](#footnote-117); however, the divergent practices of Member States of the Union led to the adoption of Recast Reception Conditions Directive in 2013[[118]](#footnote-118). Even though the living conditions of the asylum seekers inside the European Union is beyond the scope of this thesis, it is important to briefly note the main measures of this Directive in order to understand the CEAS as a whole.

The Recast Reception Conditions Directive aims to fully respect the fundamental rights of the asylum seekers by including “an exhaustive list of detention grounds that will help to avoid arbitrary detention practices and limiting detention to as short a period of time as possible”, restricting the detention of vulnerable persons and including several legal guarantees[[119]](#footnote-119). In addition, this Directive envisages “access to employment for an asylum seeker must now be granted within a maximum period of 9 months”[[120]](#footnote-120).

#### 2.3.2.3 Qualification Directive

The Qualification Directive[[121]](#footnote-121) was created in 2004 and it establishes the grounds that an asylum-seeker could be granted an international protection by listing several rights as “protection from refoulement, residence permits, travel documents, access to employment, access to education, social welfare, healthcare, access to accommodation and access to integration facilities, as well as specific provisions for children and vulnerable persons”[[122]](#footnote-122). The new Qualification Directive[[123]](#footnote-123) is considered to be an important step in order to harmonize the eligibility criteria amongst member states (with the exception of the UK, Ireland and Denmark) and it established the content of the protection level[[124]](#footnote-124). The Directive aims at improving “the access to rights and integration measures for beneficiaries of international protection”[[125]](#footnote-125).

However, this Directive has been criticized by many authors and NGOs, and one of the reasons for that is Article 8. The article allows the EU member states to consider ‘Internal Protection Alternative’ as “part of the assessment of the application for international protection”[[126]](#footnote-126), which can be used to deny the international protection “either on the basis that in some region of her home country an applicant would have no well-founded fear, orin some region he or she would not face a real risk of suffering serious harm”[[127]](#footnote-127). Even though the Refugee Convention of 1951 is quite limited in terms of defining the rights of refugees, it has been argued that the “Internal Protection Alternative” was created by Western states in order to turn the asylum applications away[[128]](#footnote-128).

#### 2.3.2.4 Dublin Regulation

The Dublin Regulation[[129]](#footnote-129) was created in 2003 and aims at determining the responsible state for examining the asylum application. Its core principle is that “the responsibility for examining claim lies primarily with the Member State which played the greatest part in the applicant’s entry or residence in the EU”[[130]](#footnote-130). In an hierarchical order, the applicant’s family considerations, his or her most recent possession of a visa or a residence permit in an EU member state or whether the applicant has entered the EU territory regularly or irregularly are taken into consideration while determining the Member State to evaluate the asylum claim[[131]](#footnote-131). The new Dublin Regulation[[132]](#footnote-132), which is also known as Dublin II Regulation, aims to improve the system’s efficiency by including various procedures to protect the applicants, such as “personal interviews, guarantees for minors, and extended possibilities of reunifying with their relatives”[[133]](#footnote-133).

Figure 1: Reason for incoming take charge requests, 2008-2012[[134]](#footnote-134)

The main criticism that the Dublin System has received is the fact that in most cases, the member state responsible for handling the asylum claim is the state which is responsible for the asylum seekers’s presence in the EU territory. Together with the Return Directive, the asylum seekers’ applications are being sent to the countries of the external borders which they had first entered. Take charge requests, according to the European Commission, is based on “the requesting country considering that other Member States should take over responsibility for examining the asylum application of individuals”[[135]](#footnote-135). As seen in “Figure 1”, 93% of giving the responsibility of handling the asylum claims was because of documentation and entry reasons.

#### 2.3.2.5 EURODAC Regulation

The EURODAC Regulation[[136]](#footnote-136) aims at facilitating the determination of the responsible state of handling the asylum claim by establishing an EU asylum fingerprint database[[137]](#footnote-137). Even though it has been operational since 2003, a new EURODAC Regulation[[138]](#footnote-138) was adopted in 2013 in order to set “new time limits for fingerprint data to be transmitted”[[139]](#footnote-139) because the delay of transmission of some Member States were raising concerns over data protection, combatting terrorism and serious crime[[140]](#footnote-140).

#### 2.3.2.6 Solidarity and Management of Migration Flows (SOLID) and Asylum, Migration and Integration Fund (AMIF)

The European Union has allocated around 4 billion euros, dedicated to the management of external borders and the implementation of the common asylum and immigration policies for the 2007-2013 period[[141]](#footnote-141). The funds were under the general “Solidarity and Management of Migration Flows” (SOLID) umbrella and it consisted on four instruments: European Refugee Fund (ERF), European Fund for the Integration of third-country nationals (EIF), European Return Fund (RF) and External Borders Fund (EBF).

Figure 2: Solidarity and Management of Migration Flows Programme[[142]](#footnote-142)

The European Refugee Fund was designed as a tool of showing European solidarity for the member states which are receiving more asylum applications and facing problems with their reception capacities or asylum systems[[143]](#footnote-143). For the period of 2008-2013, the ERF fund was around 630 million euros and Sweden, United Kingdom, France and Germany were the member states which benefited the most from this fund between 2008 and 2011[[144]](#footnote-144).

The European Integration Fund of third country nationals is aimed to maximize the benefits of immigration by the successful integration of migrants into their host societies[[145]](#footnote-145). For the period of 2007-2013, the EIF had a budget of 825 million euros and Italy, the United Kingdom were the states that benefited the most from this fund for the period of 2007-2011[[146]](#footnote-146).

The European Return Fund is the financial mechanism for “actions assisting returnees’ return to their country of origin and their reintegration processes; and activities enhancing the quality of information on voluntary return”[[147]](#footnote-147). For the period of 2008-2013, 676 million euros were allocated to this fund and Greece, the United Kingdom, France and Spain were the primary beneficiaries of this fund respectively[[148]](#footnote-148).

The European External Borders Fund, as the name suggests, is targeted to the protection of the EU’s external borders and prevention of illegal immigration[[149]](#footnote-149). For the period of 2007-2013, 1.820 million euros were allocated into this fund for these objectives and for the period of 2007-2011. Spain, Greece and Italy were the primary beneficiaries of this fund[[150]](#footnote-150). Compared to the other funds under the same scheme, the EBF enjoys the biggest allocation of resources which highlights the fact that the EBF is the primary concern among the EU policies. As Figure 2 shows, nearly half of the resources (46%) allocated to the SOLID programme focuses on “activities, equipment and technological infrastructure focusing on control of the external borders of the Schengen area”[[151]](#footnote-151). The Figure 3 depicts the extreme difference between the European Refugee Fund and the External Borders Fund, showing that for the individual member states of the external borders, the difference in percentages is even higher.

|  |
| --- |
| Allocation of Refugee and External Borders Funds in Some Member States 2007 - 2013 |
|  | Refugee Fund | External Borders Fund |
| Bulgaria | €4,295,548.61 | €38,131,685.92 |
| Greece | €21,938,521.14 | €207,816,754.58 |
| Spain | €9,342,835.50 | €289,394,768.35 |
| Italy | €36,087,198.41 | €250,178,432.52 |
| Malta | €6,621,089.03 | €70,441,716.30 |

Figure 3: Allocation of Refugee and External Borders Funds in Some Member States 2007-2013[[152]](#footnote-152)

In 2014, two new funds were created by the EU, in order to replace the SOLID programme. The first one of these funds, the Asylum, Migration and Integration Fund (AMIF) was aimed at promoting “the efficient management of migration flow and the implementation, strengthening and developing a common Union approach to asylum and immigration”[[153]](#footnote-153). It was designed for the period of 2014-2020, with a total of 3.1 billion euros[[154]](#footnote-154). The fund is designed to deal with with asylum, legal migration and integration, return policies and solidarity between member states. For the purposes of this thesis, the primary focus will be given to Greece and Bulgaria, and according to the European Commission reports[[155]](#footnote-155), Greece has so far received 259.348.877 euros[[156]](#footnote-156) from the AMIF resources while Bulgaria had only received 10.006.777 euros[[157]](#footnote-157). Regretfully, it was not possible to obtain specific data on the allocation of these sources into policy areas since the European Commission has not yet issued reports concerning these funds by the time of formulating this thesis.

In addition to AMIF, the Internal Security Fund (ISF) was created in 2014 to “promote the implementation of the Internal Security Strategy, law enforcement cooperation and the management of the Union’s external borders”[[158]](#footnote-158). With the total budget of 3.8 billion euros for the seven year period, the ISF has two key instruments: ISF Borders and Visa, and ISF Police[[159]](#footnote-159). The borders and visa instrument composes of 2.76 billion euros available funds[[160]](#footnote-160) and is jointly managed by the European Commission and the member states of the Union. According to Amnesty International Report “Greece: Frontier of Hope and Fear”[[161]](#footnote-161),

*“In the last few years the EU has set about constructing an increasingly impenetrable wall around its external borders – both physically, through fences and heightened border surveillance, and legislatively, through migration policies that render legal entry into the EU increasingly difficult for economic migrants and refugees alike”[[162]](#footnote-162).*

The policies and the measures taken by the EU and its two member states, Greece and Bulgaria will be discussed in the following chapters thorougly. As the legal obligations of these parties with respect to refugees were set out in this chapter, the human rights infringements of refugees will be questioned, together with the how these policies against the asylum seekers have been evolved.

# The Greek – Turkish Border: The violations of the rights of the Syrian Refugees

Greece has received significant levels of irregular migration since the collapse of communism in Eastern European Countries in the early 1990s. Together with its accession to the EU and the Schengen Borders Agreement, it has become a crucial point of migration and it was estimated that “by the end of 2010, about 90% of people detected irregularly entering the EU arrived first in Greece”[[163]](#footnote-163). After the completion of the first phase of the CEAS which had established common minimum standards for the member states, the “European attention increasingly focused on the shortcomings of the Greek asylum system”[[164]](#footnote-164). The main criticisms focused on the documented human rights violations in the International institutions and NGO reports, hurdles to the asylum applications, “low quality asylum procedures yielding extremely low refugee recognition rates, severe shortcomings in social support, and appalling migrant detention conditions”[[165]](#footnote-165). A Human Rights Watch Report from 2008 has documented “physical abuse, systematic expulsions without allowing asylum applications, perfunctory asylum proceedings without legal representation or adequate interpretation, administrative barriers to even making an asylum application, and inhumane detention conditions”[[166]](#footnote-166). In order to address these concerns, the Greek government has attempted to reform its asylum and migration laws, however together with its economic concerns, and the pressing migratory flows, the reform was hard to accomplish. The on-going economic crisis in Greece “has resulted in severe financial hardship, dramatically falling standards of living and the loss of access to vital services such as health care”. While thinking about the negative attitudes towards immigration, the heightened political polarization and social tensions in Greece has to be kept in mind[[167]](#footnote-167).

In 2012, a party that is known for its anti-immigrant, racist and xenophobic rhetoric, the Golden Dawn has won 18 out of 300 seats in the Greek Parliament, becoming the third biggest party in the country[[168]](#footnote-168) and they managed to achieve the same result in the latest parliamentary elections of January 2015[[169]](#footnote-169). Together with the mainstream parties which also talk negatively about migration issues, the Greek “abusive migration policies, such as routine and prolonged detention, often in appalling conditions, sweep operations targeting irregular migrants, arbitrary detention, racial profiling and ill-treatment” had continued and was reported by various Human Rights agencies[[170]](#footnote-170). According to Amnesty International, the aim of these policies is “to encourage irregular migrants already in the country to leave and to deter newcomers”[[171]](#footnote-171). After the January 2015 elections, the winning left-wing Syriza party have promised to change the migration policies of the country however, the results remain to be seen in the future[[172]](#footnote-172).

## 3.1 The EU aid to Greece

The Frontex agency of the EU has been increasingly present in Greece since 2006 in order to help Athens with the border surveillance missions. By 2010, the Frontex agency has already been present in the Evros region with operation JO Poseidon Land since 2008 and Project Attica since 2009. However with the Greek government’s request for help from Brussels, the support that came from the Frontex agency was in the form of RABITs deployed at the Greek-Turkish land border and the Aegean Sea. Also, the EASO has “deployed its first field operation in the form of Asylum Support Teams (AST)”[[173]](#footnote-173) for a two year period to help the Greek government with the particular pressures that it has been facing. Moreover, “the Greek Government requested the application of the emergency funding mechanisms of ERF during the course of both 2010 and 2011”[[174]](#footnote-174).

The European Court of Human Rights (ECtHR) has ruled in 2011[[175]](#footnote-175) that Greece has been violating human rights by ill-treating the asylum seekers in its territory and it had failed to “provide a means of legal redress”[[176]](#footnote-176). The Court also ruled that Belgium has also been repeatedly violated the same rules by returning an asylum seeker back to Greece by using the Dublin regulation. The decision of the Court that “member states may not transfer asylum seekers in the face of “substantial grounds” for believing there is a serious risk to their fundamental rights, and must either find another responsible state or process the asylum application themselves”[[177]](#footnote-177), has caused many asylum seekers to apply to the Court.

Despite the existence of the Court ruling, the member states of the EU have continued to systematically return the asylum seekers back to Greece. Given the strained capacity of the Greek asylum system and additional numbers irregularly crossing its borders, the Greek asylum system became increasingly burdened. The flawed Dublin system which legalized the returning an asylum seeker back to the first country that he or she had entered, as well as the migratory pressures on a state guarding the external borders have resulted to the gradual increase of the documentation of human rights violations in Greece.

## 3.2 The shift from land route to the Mediterranean

*“In March 2012, the Austrian Interior Minister, Johanna Mikl Leitner, said that the Greek border is open “like a barn door” and the German Interior Minister, Hans-Peter Friedrich, threatened to reintroduce Schengen border controls with Greece, if refugees continued to access European Union territory through the Greek-Turkish border”[[178]](#footnote-178).*

The pressure exerted by other European member states had a significant effect on Greek policies towards migration and refugees. Greek land border with Turkey is the 206 kilometres long Evros River and the Greek authorities have set up a 12.5 kilometre long fence in order to block the “small stretch of dry land between the countries”[[179]](#footnote-179) in December 2012. In addition, the Greek government decided to deploy additional force consisting by 1.800 police officers in the region[[180]](#footnote-180). New detention centres for refugees and migrants were created[[181]](#footnote-181) and they were mostly funded by the EU through the EBF programme which is aimed to enhance the border control measures and increase detention facilities[[182]](#footnote-182). “The chief of police of the Greek border town of Orestiada announced in November 2012, that in July 2012 there had been 6.500 arrests of irregular migrants, only 1.800 in August, 71 in September, 26 in October, and none in November”[[183]](#footnote-183).

The complete sealing of the land border made the refugees and migrants to take their chances with the dangerous Aegean Sea route which resulted in many deaths. Some islands situated in the eastern part of the Aegean sea, such as Lesbos and Samos are particularly close to the Turkey, with Samos being only 1.6 kilometres away from the Turkish mainland. According to Frontex reports,

*“In the vast majority of cases, the migrants were given instructions on how to reach the Greek Islands. The migrants were always given a reference point on the Greek Islands (lights of a tourist complex or city, airport lights, etc.) and were advised to maintain a steady course towards the lights. Hence many vessels tended to depart during hours of darkness rather than during the day”[[184]](#footnote-184).*

The report states that once arrived to the islands, most of the migrants and refugees “turn themselves in to local authorities while a smaller number of migrants try to leave the islands undetected”[[185]](#footnote-185). Given the increase in numbers of the people in the detention centres at various islands at Aegean Sea, the sea operations conducted by the Frontex and the Greek authorities remain limited to certain target points. The RABIT operations aim to “prevent unauthorized border crossings, to counter cross- border criminality and to take measures against persons who have crossed the border illegally”[[186]](#footnote-186). But the objective of the Greek authorities was stated as to detect the migrants before they enter the Greek territories. By using thermal cameras and helicopters, the Greek authorities inform their Turkish counterparts to apprehend these individuals. Therefore, it is safe to assume that if the Turkish authorities are unable to proceed, Greek border guards will show their presence on the river to prevent the refugees and migrants from crossing the border.

However, “the total number of people entering Greece from Turkey through irregular routes has fallen dramatically as a result of increased policing at the borders, despite a small increase in those arriving by sea”[[187]](#footnote-187). Compared to 2012, the number of people apprehended during the irregular entry has fallen more than 60%[[188]](#footnote-188) in 2013.

## 3.3 Rejection of refugees at the borders

Low recognition rates of asylum applications in Greece further complicates the analysis of its asylum policies. Given the numbers of asylum seekers that the country receives, the UNHCR explains this situation as:

*“The return from Greece to Turkey of people who may be in need of international protection can occur in several ways: (1) refusal of entry at the land border, (2) “pushbacks” at sea, and (3) deportation after arrest inland. In some cases, return takes place without any formalities or access to procedures in Greece. In others, removal to Turkey is effected under deportation processes implemented under the Greece-Turkey Readmission Agreement”[[189]](#footnote-189).*

The striking fact in this observation is that the individuals are not given a chance to request the international protection or to present their case. Contrary to the migrants who are able to enter the islands undetected, the ones who are captured by land and sea operations are mostly subjected to the first and second options. They are being returned to Turkey where they don’t have the possibility of asking international protection. In 2013, according to Eurostat reports, Greece made 1,415 positive decisions on the asylum applications that it had received, and only 585 refugee status were granted[[190]](#footnote-190). According to the same report, only 175 of these persons were Syrians[[191]](#footnote-191).

Amnesty International’s research based on interviews with refugees and migrants states that “of the 148 people interviewed between September 2012 and March 2014, 68 said they had been pushed back at least once”[[192]](#footnote-192). These individuals, mostly Syrian refugees, were interviewed in Turkey, Greece or Bulgaria, largest group of them being the people fleeing the conflict in Syria and 13 of them had stated that they were pushed back more than one time, up to four times in total[[193]](#footnote-193).

The ones who were able to reach the Greek islands reported that they were “towed or encircled in a hazardous way, their boats were intentionally damaged or they were towed towards Turkish waters and then abandoned at the sea in unseaworthy vessels”[[194]](#footnote-194). All of these people had reported that they were “physically attacked by police or border guards”[[195]](#footnote-195). The interviewees who were trying to cross the river Evros reported that “they were sent back to Turkish side of the river on small plastic vessels”[[196]](#footnote-196). Some of these people who were eventually pushed back to Turkey, reported that they were detained in small rooms “for periods varying from a few hours to two days”[[197]](#footnote-197). While some of the refugees and migrants stated that they were being held by official Greek police or border guards in their uniforms, the others stated that “they were loaded directly into vans, usually white or army green in colour and bearing no police or other insignia”[[198]](#footnote-198).

Contrary to these refugees who were detected trying to cross the border and enter the Greek territories, the boats of some of the refugees and migrants were “intercepted by Greek coastguard vessels in the middle of the sea, or sometimes a few hundred meters from the Greek coastline”[[199]](#footnote-199). According to these victims, they were transferred to the Greek coastguard vessels, searched by the officials and put back to the boat they were travelling in[[200]](#footnote-200). “Coastguards removed the motor and fuel from their boats and towed them towards Turkish waters where they abandoned them. They said they were later spotted by Turkish coastguard vessels or phoned the Turkish authorities who came and rescued them”[[201]](#footnote-201).

In addition to these reports of pushbacks to the Turkish borders, several human rights agencies has reported the ill treatment or other abuses to the refugees and migrants. According to Amnesty International, “the majority of the refugees said that they had experienced or withnessed physical violence and intimidation at the hands of Greek police officers and coastguards”[[202]](#footnote-202). The majority of the interviewees described a consistent pattern of abuses, the “victims were stripped, beaten, held at gunpoint, valuables were stolen and important documents destroyed”[[203]](#footnote-203).

## 3.4 Responses to the Allegations of Pushbacks

These allegations of human rights abuses and the push backs by the Amnesty International, Pro Asyl or other NGOs were emphatically denied by the Greek authorities. They had claimed that if the police or guards are deterring the boats of the refugees or migrants, if it happens at all, “were merely isolated incidents”[[204]](#footnote-204). At the EU level, previous Migration and Home Affairs Commissioner Cecilia Malmstrom stated in 2013 as a response to the parliamentary question relating to these NGO reports that,

*“The Commission is aware and very concerned about allegations of push back operations to Turkey by the Greek authorities. (…) Should serious violations of fundamental rights be proven and persist, the suspension or termination - in part or in whole - of Frontex operations in those areas is a possibility. (…) The Commission also provides supports to Greece, in terms of expertise and financial assistance, with a view to reforming national practices in line with the ‘acquis’”[[205]](#footnote-205).*

In 2014, the Council of Europe’s Commissioner for Human Rights, Nils Muiznieks has published a letter referring to Amnesty International and Pro Asyl reports[[206]](#footnote-206). By calling for an end to collective expulsions of refugees and migrants, he stated that,

*"The large number of reported collective expulsions by Greece of migrants, including a large number of Syrians fleeing war violence, and allegations of ill-treatment of migrants by members of the coastguard and of the border police raise serious human rights concerns. I call on the Greek authorities to carry out effective investigations into all recorded incidents and take all necessary measures in order to end and prevent recurrence of such practices”[[207]](#footnote-207).*

In response to such statements, the Greek authorities “affirmed their commitment to human rights and said that collective expulsions and ill-treatment are incompatible with Greek domestic legislation and the ethics of the Greek coastguard and police”[[208]](#footnote-208) on various occasions and “repeated that there is no ‘political’ order for push-backs or violent behavior against migrants and refugees”[[209]](#footnote-209).

Even though the reports of human rights agencies documenting the human rights violations and push backs resulted in comments from the international community, the criticisms that the Greek government has received from Europe has significantly decreased after the sealing of Greek – Turkish land border. “Criticism from European States towards Turkey, for not cooperating in migration control was also uttered less frequently”[[210]](#footnote-210), especially after the signing of the Readmission Agreement between the EU and Turkey[[211]](#footnote-211). As it was stated before, the Bulgarian – Turkish border started to receive growing numbers of Syrian refugees and the country has become “the new hot spot for Frontex, the EASO, and growing funding opportunities in the sector of ‘border management’”[[212]](#footnote-212).

# The Bulgarian-Turkish border: The Containment Plan of Bulgaria

After the route to Greece from Turkey was completely sealed, the Bulgarian border became a critical point for the Syrian refugees who were hoping to enter the EU territory. According to numerous reports, the number of people who crossed the Bulgarian – Turkish border was estimated at about 1,700 individuals while by 2013, this number raised up to 11,158[[213]](#footnote-213). Migrants and refugees interviewed by the Amnesty International stated that “their fear of ill-treatment and push-backs at the Greek borders and increased policing of that border were the main reasons why they chose to cross to Bulgaria”[[214]](#footnote-214). According to Frontex reports, “the main pull factor for migrants to cross illegally the Bulgarian land border with Turkey is the relatively cheap price (about 100€ to 300€) compared to crossing to Greece”[[215]](#footnote-215).

Before 2013, Bulgaria was not a host country for significant numbers of refugees[[216]](#footnote-216). However, the situation has changed with the growing numbers of Syrians lodging asylum applications and the country “was unprepared for the surge in asylum seekers, showing itself incapable of processing individual asylum claims, and failing to provide new arrivals with basic humanitarian assistance, including food and shelter”[[217]](#footnote-217). In a report dated 5th February 2014, the Interior Ministry of Bulgaria acknowledged the fact that it was not ready for the refugee flow but it put the blame at the State Agency for Refugees for wasting the funds given by the ERF. “The report said that European Refugee Fund monies were spent on: awareness campaigns, brochures, trainings, seminars, specialized computers and software, but not for setting up accommodation places”[[218]](#footnote-218).

The official excuse of the Bulgarian government for “not providing humane and dignified conditions for the refugees was the lack of financial resources”[[219]](#footnote-219). Even though Bulgaria is the poorest member state of the EU, it had received 6.4 million euros from the ERF in the beginning of 2014 and additional 2 million euros from the Czech Republic and Slovakia, in order to specifically manage the Syrian refugee influx[[220]](#footnote-220). However, the Bulgarian government was criticized by the UNHCR for its mismanagement of the funds, and the funds being used up by the Interior Ministry before it reaches to the State Agency for Refugees[[221]](#footnote-221).

## 4.1 Measures taken by the Bulgarian authorities

While in September 2013, the number of asylum seekers irregularly crossing the Bulgarian border was 2,332, this number rose up to 3,626 in October, just after one month. These alarming numbers led the Bulgarian government to announce on 6th of November, 2013, its new “Plan for containing the crisis arisen as a result of enhanced migratory pressure towards the territory of Bulgaria”[[222]](#footnote-222) in order to prevent the illegal entries of refugees and migrants, which was called by the Human Rights Watch simply as the “Containment Plan”[[223]](#footnote-223). Some of the many goals of the plan were “to reduce the number of illegal immigrants entering and residing illegally in Bulgarian territory and reduce the number of persons seeking protection in the territory of Bulgaria”[[224]](#footnote-224). In addition to deploying aditional 1,500 police officers at the border with the help of Frontex agency[[225]](#footnote-225), the government has also decided to construct a 33 kilometer long fence alongside “the most sensitive sections of its border with Turkey”[[226]](#footnote-226). “By January 2014, Frontex had deployed an additional 170 experts to Bulgaria as part of the Poseidon land borders operation”[[227]](#footnote-227).

The Bulgarian government also enhanced their cooperation with Turkish authorities, “through an integrated system for monitoring the border”[[228]](#footnote-228). With the help of the EUROSUR system, border surveillance centres were created which reported to national authorities and the Frontex agency. According to Amnesty International, “stationary and moving cameras and motion sensors covered a 58 kilometer stretch along the southern part of Bulgaria’s border with Turkey”[[229]](#footnote-229) in March 2014 and it was expected to stretch these surveillance systems covering another 100 kilometers by 2015[[230]](#footnote-230). These cameras are able to track any movement on Turkish territory within 15 kilometers of the border and the purpose of these cameras were not only to detect the migrants and refugees irregularly crossing the Bulgarian borders but to stop them before reaching it[[231]](#footnote-231). With the implementation of this “containment plan”, the number of people irregularly crossing the Bulgarian border has “decreased to a few hundred a month, with only 150 individuals crossing the border in December 2013”[[232]](#footnote-232) and according to UNHCR reports, “only 99 people crossed into Bulgaria from Turkey in January 2014”[[233]](#footnote-233).

The key challenge for the Syrians willing to seek refuge in Bulgaria is the problematic nature of borders. Bulgaria’s 280 kilometer long border with Turkey mostly “runs through mountainous and heavily wooded areas, devoid of official border crossings, known as the ‘green border’”[[234]](#footnote-234). After the start of the Bulgarian Containment Plan, the refugees has mostly attempted to take this dangerous route in order to reach the unmonitored locations with the help of human traffickers. The Bulgarian State Agency for Refugees (SAR) “lamented the discovery of human remains allegedly abandoned by Turkish smugglers and eaten by animals in Turkey, many kilometers outside the Bulgarian border”[[235]](#footnote-235). The official statements of Bulgarian authorities mainly claim that the Containment Plan was launched in order to protect the interests of the refugees and make them enter through the official borders[[236]](#footnote-236). As an official from SAR had stated,

“*We want to prove that we are reliable East border of the EU. We don’t stop any refugee to come to our territory but to come through the official border crossings. According to the present law they are criminals after they cross the green border”[[237]](#footnote-237).*

## 4.2 Rejection of refugees at the “official” borders

There has been various accusations of push-backs of the people seeking the international protection at the Bulgarian border and the forcible returns of the people who had already made an asylum claim in Bulgaria by human rights agencies[[238]](#footnote-238). The main concerns of the international community have mainly focused on the “measures Bulgaria takes to restrict access to its territory along the border with Turkey implemented by the Ministry of Interior jointly with Frontex”[[239]](#footnote-239). According to these reports, the push-backs included “physical violence and/or physical abuse inflicted to asylum seekers by Border Police officers”[[240]](#footnote-240). Given the drastic decrease in the applications of asylum in Bulgaria and the reports of abuse and restricted entry at the border, many organizations believe that this situation can only be explained by “a growing emphasis on push-backs facilitated by the Bulgarian government”[[241]](#footnote-241).

The Human Rights Watch has interviewed 177 refugees, asylum seekers and migrants in 2013, and it had documented “detailed accounts of 44 pushback incidents from 41 people”[[242]](#footnote-242). According to its report, “the pushback incidents involved at least 519 people in which Bulgarian border police apprehended people on Bulgarian soil and summarily returned them to Turkey without proper procedures and with no opportunity to lodge asylum claims, often using excessive force”[[243]](#footnote-243). The interviewees that had been forcefully returned back to Turkey stated that they were either beaten or mistreaten by the Bulgarian border guards[[244]](#footnote-244).

Through the interviews conducted with the asylum seekers and refugees, the Human Rights Watch had reportted that the Bulgarian border guards “hit, kicked, and set guard dogs on irregular border crossers as well as stolen money and personal belongings from them and made verbal threats”[[245]](#footnote-245). According to the accounts of the interviewees, the stand-offs between the Bulgarian and Turkish border guards were also common. Neither side accepting the refugees back into its territories, people “had to endure extremely harsh winter weather conditions and were not provided with blankets, food or water”[[246]](#footnote-246). During these standoffs, the refugees had reported that they were mostly found by the police inside the Bulgaria territory, taken to the Turkish border by force and beaten, hit, shot at by the Bulgarian police until they agree to return back to the Turkish side[[247]](#footnote-247).

## 4.3 Conditions of Refugees in Bulgaria

Before the launch of the Containment Plan, the Bulgarian government’s record on granting refugee or humanitarian status was relatively good in 2013[[248]](#footnote-248). According to Eurostat reports, the Bulgarian government had made 2,495 positive decisions[[249]](#footnote-249) out of the 2,816 processed asylum claims in 2013 and 2,020 of them were Syrian refugees[[250]](#footnote-250). However, once the asylum seekers are granted this status, they are no longed provided assistance by the government, which is 65 leva (around 33€) per month for the asylum seekers in detention centers. Previously, the Bulgarian Defense Ministry had stated that “each asylum seeker costs the country 1,084 leva (558€) per month”, however it was soon realized that these costs were mostly for administration and facility purposes[[251]](#footnote-251). Although authorized legally to” work after being recognized, refugees find it almost impossible to find work in Bulgaria, the poorest country in the EU with high unemployment rates”[[252]](#footnote-252). Since there are no language classes provided for the refugees and asylum seekers, many recognized refugees are unable to find jobs and struggle to survive as “homeless and squatting in unfinished, abandoned buildings in the vicinity of the open centers”[[253]](#footnote-253). According to EU and national laws, it is extremely hard for the refugees to seek jobs in other member states since they “risk sanctions for unauthorized stay and forced return to Bulgaria”[[254]](#footnote-254).

What differs the Bulgarian case from the Greek one is that refugees are not pushed back at the borders. According to Border Monitoring Bulgaria findings, as the EU member states use the Dublin regulation to return the refugees back to Bulgaria and camps are overflowed,  “violence against refugees involving beatings, humiliation, and disregard of human dignity continuously takes place at the border, in detention camps, and on the streets throughout Bulgaria”[[255]](#footnote-255). In January 2014, the UNHCR “recommended the halting of transfer of refugees to Bulgaria under the Dublin II Regulation”[[256]](#footnote-256). The UNHCR recommendation was based on the fact that the asylum seekers were facing arbitraty detention, had limited access to their basic needs and were denied fair and consistent asylum procedures[[257]](#footnote-257). Nonetheless, in April 2014, the UNHCR amended its position, by noting “numerous improvemets that have been made to reception conditions and asylum procedure in Bulgaria since the beginning of the year”[[258]](#footnote-258).

In 2013, Bulgaria had received 9,325 asylum applications while only 7,144 of them were officially registered by the end of that year. According to the findings of the Bulgarian Helsinki Committee, “many asylum seekers withdrew their applications for international protection because they preferred to be sent back to Turkey or even to other countries including their countries of origin, rather than remaining in detention”[[259]](#footnote-259). In Bulgaria, the people who applied for asylum but are not yet registered by the Asylum Agency of the country are staying in the detention centres[[260]](#footnote-260). Again, according to the Bulgarian Helsinki Committee, these people “do not have access to the asylum procedure and to the entitlements of asylum seekers such as accomodation, social support and access to health care”[[261]](#footnote-261). Many asylum seekers had fled Syria to preserve their freedom but they are kept behind the bars in Bulgaria without a clear idea of their time of release[[262]](#footnote-262). According to EU legislation, such measures are illegal. “Detention without criminal charges can only last for a short time and after a judge has issued a precisely worded warrant”[[263]](#footnote-263). However, the Bulgarian government still continues its detention centres policy and the Interior Minister of the country has stated that Bulgaria has been guarding the EU borders and neutralizing the risks for Europe for its behalf[[264]](#footnote-264).

During a recent speech on 23 April 2015, Bulgarian Prime Minister Boris Borisov had explained the crisis that the Bulgarian government has been facing with respect to the influx of refugees. In 2014, “around 12,000 asylum seekers have come to Bulgaria and 5,500 asylum requests have been granted”[[265]](#footnote-265). The Prime Minister has expressed the pressure that the country was facing as “if just 100,000 manage to enter Bulgaria, we are done for”, while also explaining the demographic concens of the country and asking for additional EU funds[[266]](#footnote-266). It is clear that despite the establishment of the principles of solidarity and burden-sharing amongst the member states in the CEAS, the member states of the EU struggle with the migratory pressures on their own.

# Conclusions: Refugees Trapped in Transit

In the introduction chapter of this thesis, it was stated that the aim of this study was to understand what was happening to the asylum seekers when they were detected at the Greek – Turkish and Bulgarian – Turkish borders. This chapter aims to draw the links between the legal framework governing the status of refugees which was explained in detail in the second chapter and the practice of Greece and Bulgaria as documented by human rights agencies, Fundamental Rights Agency and UNHCR.

The chapters covering Greece and Bulgaria demonstrated the various ways in which an asylum seeker is treated at the Turkish border of these countries. The practice of pushbacks, refusing them from their right of seeking international protection and degrading and inhumane treatment to those individuals has been criticized by various actors.

Pushbacks can result in the return of “individuals to countries where they would be at risk of serious human right violations, whether directly or via a third country”[[267]](#footnote-267). This practice is known as refoulement and as it was explained in the chapter two, it is prohibited by international and EU legislation. The 1951 Geneva Convention relating to the Status of Refugees and its 1967 protocol explicitly prohibits this practice and sets the principle of non-refoulement for its signatory countries. Greece was one of the twenty six states which were represented in the Conference and signed the convention on 5 April 1960, while accepting its 1967 protocol on 7 August 1968[[268]](#footnote-268). Bulgaria, on the other hand, accepted both the Convention and its Protocol on 12 May 1993[[269]](#footnote-269).

In addition to the existence of this international legislation, the European Union has also created a new set of rules governing the questions of refugees and asylum. In the chapter two, the evolution and the details of these legislation were discussed. Through Directives and Regulations, the EU has created a Common European Asylum Policy which is binding upon all of its member states and both Greece and Bulgaria has to comply with it. The Asylum Procedures Directive, Dublin Regulation, Qualification Directive, Reception Conditions Directive and EURODAC Regulation go farther from the Geneva Convention and they explicitly establish the legal framework for the member states to oblige while handling asylum applications. Article 4 (4b) and 5 (c) of the Return Directive establishes the obligation to respect the principle of non-refoulement of the individuals who might be refused entry into European territories based on the Article 13 of the Schengen Borders Code.

Under Greek law 3907/2011, “all third country nationals arriving irregularly in Greece who are apprehended must be transferred to a First Reception Centre to ensure their proper registration, identification and assessment of their protection needs”[[270]](#footnote-270). According to Bulgarian “Law for the Asylum and the Refugees”,

*“a foreigner who has entered the Republic of Bulgaria in order to seek protection, or who has received protection, cannot be returned to the territory of a country where his life or freedom are threatened for reason of race, religion, nationality, belonging to a definite social group or political opinion and/or conviction, or he has been exposed to a danger of torture or other forms of cruel, inhuman or humiliating attitude or punishment”[[271]](#footnote-271).*

In addition to establishing the principle of non-refoulement, the Law establishes the responsibilities of the authorities and the individuals during the process. Following the existence of these laws, both Greek and Bulgarian authorities are under the obligation to examine the individual situation of each asylum seeker arriving to its territory and provide them with an opportunity to challenge any decision made by these authorities before any deportation or expulsion can be carried out[[272]](#footnote-272).

The EU – Turkey Readmission Agreement has been signed on 16 December 2013, however its content was not disclosed by its parties. According to the statements of the authorities, Turkey will be obliged to take back irregular migrants in the EU if they have travelled through Turkey before reaching the EU. Even though this Readmission Agreement should not apply to the individuals seeking asylum in the EU, through the member state practice, the individuals in need of international protection may end up being returned to Turkey, a county in which they could not seek asylum but be treated as guests[[273]](#footnote-273).

In terms of the refugees and asylum seekers being treated in a degrading manner and their basic human rights being violated, the UN Declaration of Human Rights of 1948, the European Convention on Human Rights of 1950, and the Charter of Fundamental Rights of the European Union has progressively extended the rights of the human beings and through practice, the EU has established itself as a human rights promoter in the international scene. The practices of its member states, however, being documented by numerous human rights agencies show that there has been systematic violations of human rights of the refugees and asylum seekers in Greece and Bulgaria. Ill treatment and degrading treatment in the course of border control operations or while in migration related detention procedures constitute a breach of human rights standards, “including in particular the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention on Human Rights”[[274]](#footnote-274).

Under these circumstances, the European Union must consider in-debth investigation of the practices of its member states. Given the magnitude of the individuals affected by the Syrian crisis and the growing numbers of individuals needing the protection of an asylum, the European Union may consider establishing a Regional Protection programme, to increase the numbers of refugee resettlements for the individuals affected by the Syrian crisis, ensure the proper application of asylum procedures thoughout its territories “and continue to work with its international partners to find a political and humanitarian solution to the Syrian crisis”[[275]](#footnote-275).

# ANNEX

**ANNEX I**

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**ANNEX II**

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**ANNEX III**

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**ANNEX IV**

Positive decisions on asylum applications in 2013

|  |  |  |
| --- | --- | --- |
|  | **Positive decisions**\* | **Resettledrefugees** |
| **Total number** | **Of which:** |
| **Refugeestatus** | **Subsidiary protection** | **Humanitarian reasons** |
| **EU28** | **135 725** | **64 465** | **50 895** | **20 365** | **4 840** |
| **Belgium** | 6 710 | 4 275 | 2 430 | - | 100 |
| **Bulgaria** | 2 495 | 180 | 2 315 | - | 0 |
| **Czech Republic** | 365 | 90 | 255 | 20 | 0 |
| **Denmark** | 3 360 | 1 865 | 1 415 | 80 | 515 |
| **Germany** | 26 080 | 13 870 | 7 955 | 4 255 | 280 |
| **Estonia** | 10 | 5 | 0 | 0 | 0 |
| **Ireland** | 205 | 185 | 20 | - | 85 |
| **Greece** | 1 415 | 585 | 395 | 435 | 0 |
| **Spain** | 555 | 220 | 325 | 10 | 0 |
| **France** | 16 155 | 13 410 | 2 745 | - | 90 |
| **Croatia** | 25 | 5 | 15 | - | 0 |
| **Italy** | 14 465 | 3 085 | 5 625 | 5 755 | 0 |
| **Cyprus** | 255 | 40 | 180 | 30 | 0 |
| **Latvia** | 35 | 15 | 20 | - | 0 |
| **Lithuania** | 60 | 15 | 45 | - | 0 |
| **Luxembourg** | 140 | 110 | 30 | - | 0 |
| **Hungary** | 420 | 200 | 215 | 5 | 0 |
| **Malta** | 1 610 | 45 | 1 450 | 115 | 0 |
| **Netherlands** | 10 620 | 1 685 | 3 900 | 5 035 | 310 |
| **Austria** | 6 345 | 4 345 | 2 000 | - | 0 |
| **Poland** | 735 | 200 | 140 | 395 | 0 |
| **Portugal** | 135 | 20 | 115 | - | 0 |
| **Romania** | 1 840 | 770 | 1 065 | 5 | 0 |
| **Slovenia** | 40 | 25 | 15 | - | 0 |
| **Slovakia** | 75 | 5 | 35 | 35 | 0 |
| **Finland** | 1 795 | 590 | 860 | 345 | 675 |
| **Sweden** | 26 395 | 7 435 | 17 135 | 1 825 | 1 820 |
| **United Kingdom** | 13 400 | 11 190 | 190 | 2 020 | 965 |
| **Iceland** | 15 | 10 | 5 | 0 | : |
| **Norway** | 6 770 | 4 840 | 1 170 | 765 | 955 |
| **Switzerland** | 6 605 | 3 165 | 885 | 2 555 | 0 |
| **Liechtenstein** | 5 | 0 | 5 | 0 | 0 |

Data are rounded to the nearest five.

0 means less than 3.

: Not available

- Not applicable

\* First instance and final decisions on appeal.

**ANNEX V**

Largest groups granted protection status, 2013

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Largest group** | **Second largest group** | **Third largest group** |
| **Citizens of** | **#** | **%**\* | **Citizens of** | **#** | **%**\* | **Citizens of** | **#** | **%**\* |
| **EU28** | **Syria** | **35 830** | **26** | **Afghanistan** | **16 405** | **12** | **Somalia** | **9 715** | **7** |
| **Belgium** | Syria | 1 545 | 23 | Afghanistan | 1 455 | 22 | Guinea | 630 | 9 |
| **Bulgaria** | Syria | 2 020 | 81 | Stateless\*\* | 335 | 13 | Iraq | 80 | 3 |
| **Czech Rep.** | Syria | 105 | 29 | Belarus | 80 | 21 | Cuba | 30 | 9 |
| **Denmark** | Syria | 1 380 | 41 | Iran | 425 | 13 | Somalia | 390 | 12 |
| **Germany** | Syria | 9 630 | 37 | Afghanistan | 5 005 | 19 | Iran | 2 720 | 10 |
| **Estonia** | Russia | 5 | 33 | : | : | : | : | : | : |
| **Ireland** | Syria | 40 | 20 | Pakistan | 20 | 10 | Iran | 15 | 7 |
| **Greece** | Afghanistan | 290 | 21 | Iraq | 195 | 14 | Syria | 175 | 12 |
| **Spain** | Syria | 150 | 27 | Somalia | 90 | 16 | Occ. Palestinian Territory | 75 | 13 |
| **France** | Russia | 1 990 | 12 | Sri Lanka | 1 530 | 9 | Dem. Rep. of Congo | 1 515 | 9 |
| **Croatia** | Syria | 10 | 43 | Somalia | 5 | 17 | Kazakhstan | 5 | 17 |
| **Italy** | Afghanistan | 1 600 | 11 | Somalia | 1 585 | 11 | Mali | 1 485 | 10 |
| **Cyprus** | Syria | 175 | 70 | Egypt | 15 | 7 | Iraq | 15 | 6 |
| **Latvia** | Syria | 15 | 46 | Iran | 5 | 14 | Russia | 5 | 11 |
| **Lithuania** | Afghanistan | 30 | 48 | Syria | 10 | 20 | Belarus | 5 | 8 |
| **Luxembourg** | Iran | 35 | 23 | Afghanistan | 20 | 13 | Iraq | 15 | 11 |
| **Hungary** | Syria | 130 | 31 | Afghanistan | 110 | 26 | Somalia | 50 | 12 |
| **Malta** | Somalia | 665 | 41 | Eritrea | 550 | 34 | Syria | 270 | 17 |
| **Netherlands** | Somalia | 2 780 | 26 | Syria | 2 105 | 20 | Iran | 1 035 | 10 |
| **Austria** | Afghanistan | 2 270 | 36 | Syria | 1 015 | 16 | Russia | 910 | 14 |
| **Poland** | Russia | 395 | 54 | Syria | 85 | 12 | Georgia | 60 | 8 |
| **Portugal** | Guinea | 25 | 19 | Syria | 15 | 10 | Dem. Rep. of Congo | 10 | 9 |
| **Romania** | Syria | 1 580 | 86 | Iraq | 40 | 2 | Occ. Palestinian Territory | 30 | 2 |
| **Slovenia** | Syria | 5 | 18 | Afghanistan | 5 | 13 | Bosnia and Herzegovina | 5 | 10 |
| **Slovakia** | Afghanistan | 20 | 27 | Eritrea | 15 | 18 | Syria | 10 | 16 |
| **Finland** | Iraq | 665 | 37 | Somalia | 240 | 13 | Afghanistan | 235 | 13 |
| **Sweden** | Syria | 12 015 | 46 | Stateless\*\* | 4 110 | 16 | Eritrea | 2 565 | 10 |
| **United Kingdom** | Iran | 1 890 | 14 | Pakistan | 1735 | 13 | Syria | 1 545 | 12 |
| **Iceland** | Syria | 5 | 38 | Iran | 5 | 31 | : | : | : |
| **Norway** | Eritrea | 2 235 | 33 | Somalia | 1 285 | 19 | Syria | 745 | 11 |
| **Switzerland** | Eritrea | 2 415 | 37 | Syria | 740 | 11 | Afghanistan | 720 | 11 |
| **Liechtenstein** | China | 5 | 57 | Somalia | 5 | 43 | : | : | : |

Data are rounded to the nearest five.

: No data presented for those countries of citizenship where the number of positive decisions was 2 or less during the reference period.

\* Persons with this citizenship granted protection status as a percentage of the total number of persons granted protection in this country.

\*\* A stateless person is someone who is not recognized as a citizen of any state.

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