

# FENIX

HUMANITARIAN LEGAL AID



ADVOCACY &  
STRATEGIC EFFORTS

HOLISTIC LEGAL AID  
SERVICES

CAPACITY BUILDING  
& COMMUNITY  
ENGAGEMENT

*January - March 2021*

# OVERVIEW

Three months after the fire that burnt down Moria, left thousands homeless, and resulted in the construction of Mavrovouni Camp (or Moria 2.0), the world seems to have forgotten about those trapped in the horrible conditions of the camps at the borders of Europe.

What is more, in an absolute disregard of the hardships of the winter, the government further implemented its policy to shut down any alternative accommodation structure for asylum seekers. Following the eviction of Pikpa's vulnerable residents, single women with their children living in the safe shelter of Tapuat were moved to the camp at the end of March.

The lack of dignified shelter for the most vulnerable and the reports on incidents of insecurity and sexual violence in the camp have worsened the already dire mental health of its residents and dampened their hopes for the future.

The dreadful reception conditions of Mavrovouni are widely known. What is less widely known is that the violation of basic rights is not reduced to the living conditions in the camps. The gaps in the asylum procedure only seem to mirror those in the reception conditions.

During the first trimester of 2021, new arrivals were rushed through the asylum procedure, which diminishes their chances

to access information and legal aid: their interviews are being scheduled 5 to 7 days after their registration with the camp.

In practice, this means that asylum seekers have a week at most to settle down in their newly assigned tent, register for cash assistance with UNHCR, get their medical screening with the medical authorities in the camp, receive medical attention, and access legal information before their interview.

In March, the EU Commissioner visited the island to assess the situation of Mavrovouni camp - a situation that she described as 'unfortunate' - and to discuss the construction of the new "controlled", closed, prison-like structures for which millions have already been confirmed. In addition, the Commissioner and the Greek Minister of Migration commended the Greek Asylum Service for their "high quality" service. Fenix published a PR in response and cross-checked the most relevant statements of the conference.

Finally, new cases of Covid in the camp were reported, including infected medical, police, and camp management staff.

Thousands of people remain trapped in the undignified and unsafe conditions of this camp, where social distancing and protective measures against Covid-19 are impossible.

January - March 2021

# OUR TEAM



Regardless of the difficulties to travel during the pandemic, the two-week mandatory quarantine on arrival, and a strict lockdown in Lesbos, Fenix received hundreds of applications to join our team from January to July. After an extremely competitive selection process, we welcomed **13 new pro bono experts from across the world** who attended a mandatory two-week intensive induction training.

We recruited **3 new translators from the refugee communities** (2 women for Dari/Farsi and Arabic/Somali and 1 man for Lingala). We also hired **3 new Greek staff**, including 2 lawyers to lead our legal and advocacy efforts and 1 psychologist to lead our Mental Health and Psychosocial Team. We also increased our permanent volunteer team from 11 to 16 members who will be staying long-term in Lesbos.

Our current field team is composed of **38 team members from 16 different countries who speak 15 languages. We are female-led and 74% female composed.**

**Dimitra Linardaki** has over 10 years of experience in the private and non-profit sector, including 4 years with ARSIS with a special focus on unaccompanied minors, detention conditions and strategic litigation. She holds a law degree from the National Kapodistrian University of Athens.



Fenix Translation team, 2021

Zainab, Zabi, Samba, Fatma, Zobaïda (left to right)

**Asterios Kanavos** has over 6 years of experience in the public and non-profit sector, including the European Asylum Service Office, the Greek Council for Refugees, and RSA. He holds a Bachelor's Law Degree from the Aristotle University of Thessaloniki and a Masters in Migration and Refugee Law from the University of Amsterdam.

January - March 2021

# OUR CLIENTS



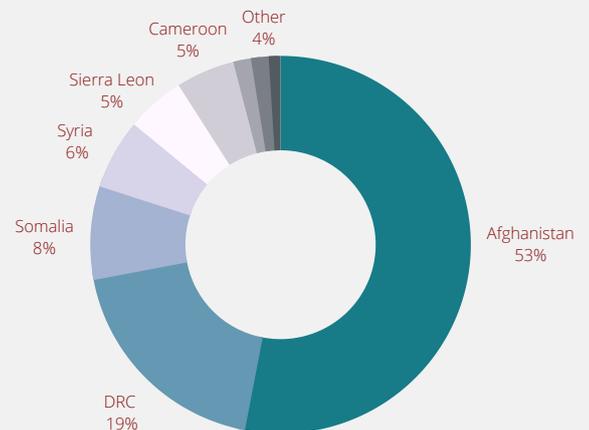
S. smiles as he boards the ferry to Athens, after 1 year trapped on Lesbos. S. was living in Moria when the fire burned the camp to the ground on September 9, 2020. He uses crutches to walk, as his leg has been amputated as a consequence of the violence he endured in his country of origin.

Fenix prides itself for adapting to the ever-changing context to ensure that our services reach the people we support. In the context of rushed interviews and "controlled" exits from the camp, we cannot wait for clients to reach our offices; **we go to them**. This trimester we worked very closely with refugee community leaders, and medical and shelter actors to identify and screen the most vulnerable cases as soon as they arrive at the camp.

In February and March, our teams screened **every single new adult asylum seeker that arrived in the new camp; a total of 277 people. We were able to take 17% of the new arrivals as clients, prioritizing those with vulnerabilities.**

From January to March, **we supported a total of 145 clients from 9 different countries in 8 languages; of which 55 were new clients.**

We also have an open-door policy, to ensure that any person can come to ask questions whenever they are able to leave the camp. In March **we provided information and emergency support to an additional of 82 people.**



Nationality breakdown of our 145 clients



Survivors of Torture and Violence



Survivors of Gender Based Violence



Unrecognized Unaccompanied Minors



People with disabilities or severe medical or psychological issues

Vulnerability Breakdown of our 145 clients

January - March 2021

# LEGAL SERVICES



Zabi, a former client and current Interpreter Coordinator at Fenix, shows off his Greek resident ID.

In 2020, most applicants found a way to reach our legal officers with enough time to receive information and legal aid, even with the difficulties that the Covid restrictions of movement created for exiting the camp.

**In the first trimester of 2021, the situation was very different.** Overwhelmed by the new life in a place like Mavrovouni, with very little time for many bureaucratic steps they must comply with, and without money to even afford a bus ticket, many new arrivals struggle to access legal information before **the rushed interview dates.**

In practice, this meant that our legal team had to devote a significant amount of their time to outreach activities and to ensure that new arrivals access the information and legal assistance they are entitled to. In the words of our **International Legal Coordinator, Kristin MacDougall Sullivan**, "getting the clients to come to our office for interview preparation or information sessions is taking us 10 times more effort than it did in 2020".

To overcome these obstacles, our legal and protection officers have been driving the most vulnerable applicants back and forth from the camp to our offices; our Operations team has arranged lunch and dinner boxes for those who miss the food line in the camp, and provide bus tickets for those who have yet to access cash assistance. This reflects our holistic approach at its best: **we adapt our strategies to provide legal support whatever the context.**

Despite the challenges, in this period, our Legal Team held **162 individual sessions for interview preparation and provision of information regarding the asylum procedure. 76% of these clients received a positive decision in their case.**

A single woman from DRC, survivor of sexual violence and forced labour both in Congo and Turkey, arrived in Lesvos on a boat that landed directly into the new camp. We worked against the clock to support her in preparing herself emotionally to share her experiences and to make sure she had the medical documents necessary to support her claim. She received refugee status!

January - March 2021

# LEGAL SERVICES



Sofia, Greek Trainee Lawyer and Zobaida, Dari Translator, conduct an individual session with a client.

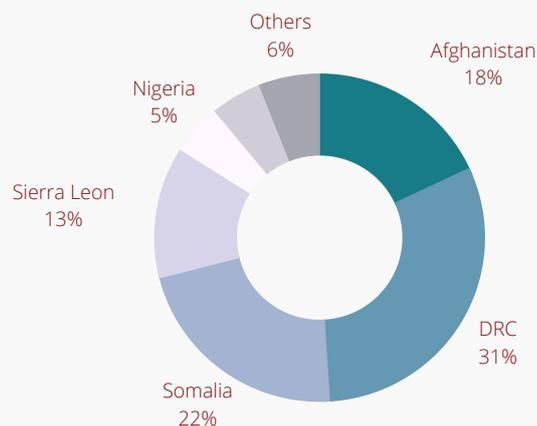
In addition, our clients' countries of origin have changed significantly in this period. Whereas 77% of our 2020 client intake was originally from Afghanistan, the latter only represents 18% of the January - March 2021 intake. Clients from DRC have increased substantially; from 5% in 2020 to 31%, thus becoming the most prevalent nationality among Fenix's clients during this period.

In January - March 2021 we undertook clients from Nigeria (3 cases) and Sierra Leone (7 cases) for the first time. During this period we also saw an increase in the number of clients from Somalia: in 3 months we undertook the same amount of cases from Somalia as in 2018-2020 (12 cases).

This has been quite challenging for many reasons: the first and most evident was the need to recruit translators in new languages; the second, that new countries of origin meant new and different claims for asylum that required further study, research, and training.

Many of the clients undertaken in this period have **asylum claims based on their sexual orientation and/or gender identity (SOGI)**. Consequently, we organized internal training to further educate our staff in European caselaw and standards for assessing SOGI claims.

Nationality breakdown of our 55 new clients



January - March 2021

# ADVOCACY & STRATEGY



Samir says goodbye to our team who dropped him off at the ferry

The incorporation of Asterios Kanavos in February and Dimitra Linardaki in mid-March allowed us to expand the services we provide to our clients and increase the capacity for the most complicated cases.

One of our biggest concerns in terms of procedural and rights violations has been **the wrongful registration of unaccompanied minors as adults, the lack of access to age determination procedures, and the breach of the presumption of minority.**

During this period, we represented **seven cases of unrecognized unaccompanied minors** and requested the referral for an age determination as well as respect for the procedural guarantees that should be awarded to minors.

In addition, our trainee lawyer Sofia Barakou appealed the results of two age assessments based on procedural violations and the fact that the medical examination and conclusions were not in line with the current regulations.

**In two unprecedented decisions, the Commander of Mavrovouni Camp accepted the appeals,** acknowledging that the age assessment conducted under his authority had not been conducted in accordance with the law.

The living conditions and the procedural violations that unrecognized children who are still waiting for their age assessment have to endure, led our attorneys to **request the intervention of the Greek Ombudsman for children on many occasions.**

Furthermore, we filed an official **complaint to Frontex on behalf of three clients** who arrived on the island in 2019 as unaccompanied minors but were wrongly registered as adults despite the fact that they informed the officer in charge of the registration that they were underage. After Fenix's intervention, **one of them was recognized as a minor one year after his arrival, and the remaining two are awaiting a new age assessment.**

*January - March 2021*

# ADVOCACY & STRATEGY



Mavrovouni Camp, January 2021

Each step of providing holistic legal aid allows us to access evidence-based information to pursue impact litigation and strategic legal interventions at the local, national and European levels. It also allows us to carry out evidence-based advocacy efforts to affect policy and influence public awareness.

After our Greek Attorney's request, **the Greek Ombudsman intervened in the case of a client with disabilities who was awaiting a transfer to continue his rehabilitation in Athens.** S. arrived on Lesbos with his brother in the fatidical month of March 2020 when Greece decided to suspend the right to request asylum. His brother was detained in the port of Mytilene for months and then transferred to Malakasa, while S. was confined to Moria Camp until it burned to the ground. **The intervention of the Ombudsman -upon Fenix's request- ensured his transfer after six months of waiting and his reunification with his brother after one year apart!**

In this period we have become an active participant in the Advocacy Working Groups based in Athens, both in the General AWG, and in three sub-working groups specifically designed to work on the New Pact on Migration and Asylum: the **Asylum Procedure SWG**; the **European Solidarity SWG**, and the **Protection SWG** that **Fenix now chairs.**

In summary, during this period Fenix has **actively participated in 22 working groups**, and (co-)drafted and signed press releases, letters, reports, and statements on different topics such as the lack of state legal aid, lead contamination in camp, the EU Turkey deal, Greece's recovery plan and the need for fair and green adjustments, pushbacks, and Dublin Transfers.

*January - March 2021*

# PROTECTION



Kayleigh, Case Work Supervisor, and a client who just picked up his bike from Fenix .

In a context of rushed interviews and lack of sufficient or trained public staff to assess vulnerable clients, especially unaccompanied minors and survivors of torture, Fenix increased and furthered the services and support provided by the Protection team.

During this period, **our protection team identified and supported 145 clients.** Our services included the screening and identification of vulnerabilities, targeted distributions, liaising with other organizations for specialized medical and mental health support, and the creation of psycho-social plans with activities such as art, sports, languages and IT classes and professional skills workshops.

The Protection team accompanied clients to services on 66 occasions, ensuring proper access, attention and translation. Through this services, Fenix was able to **access medical documentation as supporting evidence for our clients' claims.** To that purpose, we established a partnership with a private gynecologist for our clients,

especially important for survivors of FGM. We also collaborated with the medical organization Medical Volunteers International for the documentation of scarring marks. We also worked closely with another medical organization Eudaimonia, who supported us in booking appointments and covering some of our clients' private medical tests.

Together with our partner law firm DLA Piper we submitted a request for interim measures to the European Court of Human Rights on behalf of a client from Cameroon, who is a survivor of torture and suffers from Hepatitis B, a condition that cannot be treated in Lesvos. Despite the urgency of his condition, he was forced to wait in the inappropriate conditions of the camp for over a year. The request was granted by the Court and **the client was immediately transferred out of the camp and to the mainland** where he accessed a proper medical assessment and the treatment he needed.

January - March 2021

# MENTAL HEALTH



Following reports of a 71% spike of mental health issues faced by residents of camps and a 66% increase of self-harm (IRC), in October 2020 Fenix established a Mental Health and Psychosocial Team to adapt to the needs. With the support of our donors, in February 2021 we were able to hire Erofilis Dakgalidou who currently leads our MHPSS team. In this period, the team **supported 32 people with 92 individual sessions for hallucinations, panic attacks, flashbacks, and depressive symptoms.** Our MHPSS team works closely with a private psychiatrist and neurologist, to whom we refer our most complex cases for assessment and follow up.

"I have to come every week, because I feel like we are family here and I cannot not come and not see you" - Syrian attendee of the women's group

"I was finally able to sleep for a few hours last night. Telling you my story and getting it outside of me was a relief for my heart and for my mind."  
- Single woman from Congo

We were also able to continue our group sessions on coping mechanisms **for women and translators from the refugee community**, in which attendees have a safe space where they can share their experiences and concerns while forging community ties. In March, we started **youth groups for unaccompanied minors** that have not been recognized by the system and therefore face severe challenges in accessing the rights they are entitled to. In this group, teenagers are provided a safe space where to share their concerns and hopes for the future, while they play board games, watch movies, or discuss common topics. **We welcomed 37 people to our group sessions during this period.**

**Erofilis Dakgalidou** has ten years of experience in Greece, Canada and the UK, including with Diotima - partner of UNHCR- assisting survivors of sexual and gender based violence in Lesbos. She holds a Bachelor of Arts, Clinical and Social Psychology (A. Univ. of Thessaloniki), a Masters of Science in Applied Social Psychology (University of Sussex) and a Specialization in Mindfulness (University of Toronto).

January - March 2021

# FAMILY REUNIFICATION



Abby, our Family Reunification Coordinator and a family of clients say goodbye as they leave for Switzerland to reunite with their son who they have not seen in 5 years.

Due to the rushed processes and a lack of access to legal aid, people who may have straightforward family reunification cases do not have access to the information or support needed to submit a successful request. Our family reunification team has screened **every single new arrival of February and March to assess if they have a family reunification case we can support with.**

The Covid-19 pandemic has resulted in a delay in transfers and a backlog in applications. Clients are left waiting for extensive periods of time for transfers and decisions on their requests.

We witnessed a concerning development regarding transfers. When an application is accepted, it is the responsibility of Greece to transfer the applicant within 6 months from the date of acceptance. However, the Greek Transfer Office's agreement with their travel agency expired at the end of 2020, and from January until the end of March the Transfers

Office was unable to transfer anybody. During this period, the 6-month deadline for transfer expired for many cases.

Consequently, many people who had been told that their case had been accepted and were anxiously awaiting transfer to be reunited with their families, have suddenly without warning been rejected. Within this challenging context, we have stepped up our advocacy efforts regarding these rejections.

In this period, we also submitted requests for **the reunification of three new clients with family members in Sweden, Germany and France and received the acceptance of three other clients who will soon be transferred.**

"You took our case and we moved to Sweden. We have just been granted asylum in Sweden. We are very happy for this. This was due to your hard work and enthusiasm, we are very grateful for your hard work!" - son of our client from Afghanistan

January - March 2021

# CAPACITY BUILDING & COMMUNITY ENGAGEMENT



Capacity Building Session with Watershed Foundation

We believe our role as a legal and protection actor encompasses spreading accurate information not only to asylum seekers, but also to those that are in daily contact with them. We are convinced that understanding the legal and protection framework allows other actors to better understand the context they work in, which can have positive results in their work. It also creates more awareness of the violation of rights that happen at every step of the procedure.

During this period **we provided capacity building sessions to 45 people from different shelter and medical organizations** (Boat Refugee Foundation, Watershed, and Medical Volunteers International).

We are currently designing a Safeguarding Training which will be offered to other actors in Lesvos.

The situation in Lesvos is a European issue. Therefore, we aim to raise awareness throughout Europe by attending conferences and speaking to the media. In this period, **we presented our work at 6 different conferences**. Among the organizers were the Harvard Women in Law Student Association, the student-led charity SolidariTee and universities in Italy, Sweden, and the UK. Our work has also been **featured by media from 4 different countries**.

"Understanding the legal framework, allows me to really understand the severity of the challenges faced by the residents in the camps"  
- NGO worker



January - March 2021

# FINANCIALS

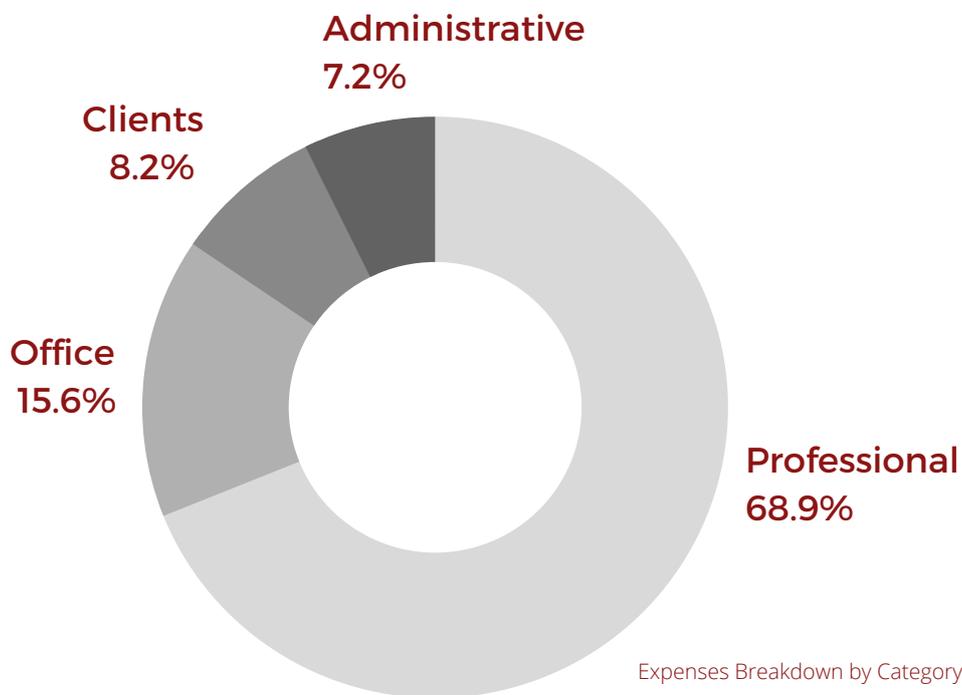
In the first trimester of 2021, our team consisted of 38 long term volunteers and staff, which resulted in an increase of new clients compared to the last trimester of 2020, and consequently in higher expenses. The support we received from our donors allowed us to **expand our services and the holistic support we provide our clients.**

89%

*Program Costs*

11%

*Overhead Costs*



Expenses Breakdown by Category

As an organization providing expert protection, legal and mental health services, our staff are at the center of everything we do. **Retaining long-term committed and knowledgable professionals that can provide trauma informed and survivor oriented care to our clients is our priority.** In the first trimester of 2021, with our donors' support, we hired 2 Greek attorneys, and 1 Greek MHPSS Coordinator. Funding also allowed us to retain some of our longer term volunteers with housing and a basic living stipend.

A long term stable team has allowed us to further our services and establish a new Mental health and psychosocial team; as well as expand the holistic and targeted support we provide to our clients, including medication not provided by public services, specialized medical treatment (neurologist, psychiatrist, gynecologist) legal fees, lunch to those that skip the food line to be in our office and bus tickets to newly-arrived clients who have no financial means to get to our office.

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