



Asylum seekers trapped on Lesbos are counting the days they have been trapped there and calling on the Greek Prime Minister to #opentheislands. Photo credit: Saima Hassan/Oxfam (December 2017)

‘THE LAWYERS HAVE GIVEN US HOPE AGAIN’

Legal aid for protection in Europe

A case study on legal aid work in Oxfam’s protection programmes in Italy, Greece, Serbia and the Former Yugoslav Republic of Macedonia

The migratory movement towards Europe through Spain, Italy and Greece is an old phenomenon, with peaks at times of conflict. But the summer of 2015 saw an exponential increase in arrivals, as people transited through Libya to Italy, through Turkey to reach Greece, and from there through the Balkans to continue their quest for safety.

One of Oxfam’s biggest concerns as it has worked to respond to the crisis is that people’s fundamental human rights are not being respected, and that they are unable to access international protection for a variety of reasons. To address these issues, Oxfam has partnered with organizations in Greece, Italy and the Balkans to provide information and legal aid, and to conduct research and advocacy. This case study evaluates the work of the programme so far, analysing both its successes and challenges.

1 INTRODUCTION

PROBLEM ANALYSIS

In 2015, 1,015,078 people arrived in Europe by sea, compared to just 216,054 in 2014¹ – of which 170,100 landed in Italy. The migratory movement towards Europe through Spain, Italy and Greece is an old phenomenon, with peaks at times of conflict on the other side of the Mediterranean. But the summer of 2015 saw an exponential increase in arrivals, particularly through the Western Balkans route, as people transited through Turkey to reach Greece and, from there, Central and Northern Europe. Since 2015, EU and other countries along the routes have taken measures to reduce the number of migrants and asylum seekers arriving in their territory, with a particularly significant impact on the Eastern Mediterranean route. Nevertheless, people are still arriving on European shores (Table 1), only to find more restrictive and complex legal regimes.²

Table 1: Numbers of arrivals in Italy, Greece and Serbia since 2015

	Italy	Greece	Serbia
2015	153,842	856,723	
2016	181,436	173,450	
2017	119,396	29,718	5,723
Feb 2018	5,331	3,145	554

This situation is the consequence of the approach adopted by the EU and its member states, as well as neighbouring countries, towards the movements of migrants and asylum seekers particularly following the publication of the EU agenda for migration³ in May 2015. The Agenda, and the policies that followed it, aimed to prevent the arrival of migrants and refugees into Europe; prevent the movement of migrants and refugees beyond their first European country of arrival, in line with the Dublin regulations; and to return people back to their country of origin.⁴ Oxfam, together with a wide majority of human rights and civil society actors, regard all the steps taken in this direction by the EU and by its member states as an erosion of refugee law and a threat to the protection of asylum seekers and migrants arriving in Europe. Although respect for the right to asylum is a basic principle of international law and is guaranteed in the EU Charter of Fundamental Rights, a large number of people who have arrived in recent years are still stranded, particularly in the countries of first arrival, often without adequate access to information or legal assistance with the asylum process, or fair and transparent registration and asylum procedures.

PROTECTION ANALYSIS

The routes taken by migrants and asylum seekers have changed many times between 2015 and today, as they constantly try to find safer routes and adapt to changes in policies and legislation in the different European countries. While the particular protection threats and risks vary between Italy, Greece and the Balkans, there are some common issues faced by migrants and asylum seekers in all these countries.

The main challenge for migrants and asylum seekers arriving particularly in Greece and Italy but also in other countries on the migration route, such as Serbia, is the complexity of the asylum process, especially in the hotspot system. While a complex legal system is not in itself a protection threat, it becomes a risk when individuals are obliged to go through the legal process without sufficient information and understanding. The ‘hotspot approach’⁵ adopted in Italy and Greece presents serious concerns regarding the respect of fundamental rights and access to asylum procedures and reception conditions. Migrants receive nominal information – often immediately upon arrival following a traumatic journey at sea – yet are then expected to make informed decisions and provide correct information about their cases. The current gap in legal assistance for refugees and migrants in some of the ‘hotspots’, and in the asylum process more broadly, has led to a number of organizations raising concerns about what is seen as ‘a trend of measures undermining asylum applicants’ access to legal aid’.⁶ Other practices regularly observed in hotspots – such as exclusion from the asylum process on the basis of nationality, or the use of detention, as seen in Lesbos – are clear protection threats.

‘Whether you are considered a refugee or a migrant is important in determining all your rights when you get to Europe [...] it means whether you will be deported in one week or if you can rebuild a new life.’

Oxfam staff member, Policy and Campaigns

The main additional protection threats common to the countries targeted by Oxfam’s Europe migration response include:

- **Lack of legal channels for migration and onward movement.** There are extremely limited legal channels for migrants and asylum seekers to reach Europe, or to move to countries other than those where they first arrive. As a result, migrants are forced to undertake dangerous journeys, often seeking the services of smugglers, and travelling by irregular routes that can expose them to violence or can even risk their lives. Having to constantly seek new routes or rely on smugglers often makes their journeys longer, and imposes lengthy waiting periods during which migrants often live in very poor conditions. In Serbia, for example, the lack of legal channels to enable migrants to continue their journey through Europe has led to an increase in their average length of stay in Serbian territory, which is now estimated to be between six to 12 months according to figures provided by the Serbian Commissariat for refugees and Migration in March 2018.⁷ In Italy, the closure of the border by France has caused the build-up of informal camps of migrants at the border. Similar situations are witnessed in a number of other countries, with Libya having become the most visible example of the pressure created by the lack of legal channels.
- **Exclusion from the process of seeking international protection** either due to discriminatory processes or to attitudes and behaviours of authorities, leading in both cases to illegality – exposure to risk of arrest, being returned to Turkey (in the case of those arriving in Greece), expulsion and ‘pushbacks’ (i.e. forcing them to return to the country they have just come from) or repatriation. Discriminatory and at times arbitrary processes have been observed in the hotspots, where people have been excluded on the basis of wrongful, incomplete or poor assessments. This threat is particularly relevant for people who are not regarded as eligible to apply for international protection on the basis of their nationality; minors who are not recognized as such; and people who are not identified as survivors of torture or inhuman and degrading treatment. In the case of Serbia, the Serbian Ministry of Interior (Mol) is not proactive in initiating the assessment of asylum claims unless people are genuinely interested in staying in Serbia. The country’s asylum office has been refusing most cases based on the ‘safe third country principle’⁸ as people arrive from Bulgaria, FYRoM and other ‘third countries’ which are considered safe. This has also been observed in FYRoM.

- **Risk of individuals missing steps or being delayed in the asylum process**, or making mistakes that might prejudice their case, due to lack of sufficient information and of legal assistance. This leads to extended periods waiting for a decision, or to the need to appeal against decisions. In the meantime, migrants are often living in difficult conditions, as seen in the camps on the Greek islands or in temporary reception centres in Italy.
- **Protection concerns around people's safety and security** are widespread across all camps and collective shelters. In Greece, the situation is particularly critical for those residing in camps on the islands, where a sense of insecurity prevails and there are frequent episodes of intercommunal violence and other types of violence.⁹ In Serbia, especially in some of the reception centres, there are increasing reports of intercommunal violence, robberies and assaults. Similar reports are also common in Italy, particularly in the larger centres such as the Centre for the Reception of Asylum Seekers (CARA) in Mineo, Sicily.
- **Exclusion from the reception system** (shelter and services). As official reception structures are linked to the legal status of individuals in need of shelter, both in Italy and in Greece, persons who have been excluded from the legal process of asylum application or who have left the shelters allocated to them, for example because they didn't feel safe in those sites, effectively find themselves excluded from the reception system and living on the streets.
- **Detention, repatriation and forcible returns.** Migrants and asylum seekers across all the target countries, in particular those from certain 'low recognition' nationalities (i.e. those that have fewer asylum seekers recognized as refugees), are exposed to administrative detention prior to submission of their asylum application or following a rejection, as well as expulsion, readmission to a neighbouring country (including return to Turkey) or repatriation to their country of origin. Collective expulsions, readmissions and violent pushbacks from Croatia, Bulgaria and Hungary to Serbia, from Serbia to FYRoM, and from FYRoM to Greece have become normal practice. In 2017 alone there were 8,772 expulsions into Serbia, and 718 up to February 2018 – which is higher than the number of arrivals; and in 2017 there were 2,294 collective expulsions from Serbia into FYRoM.

VULNERABILITY ANALYSIS

Depending on the specific context, certain segments of the population are more exposed to and more affected by these threats.

With regard to **vulnerable groups in terms of being able to access the process to seek international protection** these are particularly:

Young men, travelling alone, from countries that are not considered **to be refugee-originating countries**. They include West Africans, North Africans and South-East Asians (with the exception of Afghans). This group is considered vulnerable by most humanitarian and legal aid actors primarily on the basis of their gender and age, even before their nationality: not only are **young men 'unwanted' by host countries**; they are also **less protected by the reception and processing system** because of gender biases around their perceived ability to sustain themselves, which de facto exclude them from the pre-defined vulnerable groups.

Also particularly vulnerable are those who have experienced torture, trauma along the route or those living with post-traumatic stress disorder or syndrome (PTSD/S). Often these individuals hide their condition due to fear, shame, stigma or for cultural reasons, meaning their psychological problem isn't identified.

The language spoken is another crucial factor that can become a form of vulnerability. Often there are insufficient, if any, interpreters for less common languages, effectively excluding people from receiving information about the legal process and services or undermining their asylum interview.

Another vulnerable group often mentioned are **minors**, particularly those who are not recognized as such and are therefore not protected by the system; and **unaccompanied minors**, who constitute a high percentage of the migrant population, particularly in recent years.

When looking at **vulnerability in terms of ability to access legal aid**, the criteria for vulnerability has also changed since 2014 and it varies in particular in relation to the specific country and regional context. For example, in Moria camp **on the Greek island of Lesbos, single women** feel unsafe walking around, which might limit their capacity to contact a lawyer; **in Ioannina**, the challenge seems to be greatest for **lone-parent households with multiple children**, as they are effectively less mobile. People who appear to be **vulnerable in all contexts are those who are outside of the system**, either because they have been excluded from applying for asylum or refugee status and therefore they leave in a situation of illegality, or because they abandoned the reception structures.



In September 2017, the Greek island of Lesbos hosted about 7,800 refugees and migrants, over 5,000 of whom were living in Moria Reception and Identification Centre in abysmal conditions. Many asylum seekers were living outside of Moria, in an area known as the Olive Grove, in part due to camp congestion. In a joint letter to the Prime Minister in September, Oxfam joined 18 other NGOs to challenge the Greek government and EU to do better before the arrival of winter (Giorgos Moutafis/Oxfam, September 2017).

BRIEF PROGRAMME DESCRIPTION

Oxfam started engaging in the response to the large-scale arrivals of migrants and asylum seekers to Europe following the decision of the Executive Board of Directors in September 2015.¹⁰ It was clear from the beginning of the response that the biggest concerns related to respect of fundamental human rights and access to international protection, including for those not entitled to asylum.

The first Oxfam assessments took place in Greece and the Balkans, and initial activities began in Sicily. An EU Migration Task Force was established in October with

responsibility for leading on the response in all its components, encompassing public engagement, programmes, advocacy and campaigns. From 2015 to the present, the response has remained broadly structured around humanitarian and advocacy interventions in three country programmes: Greece, Italy and the Balkans (in Serbia and FYRoM), and policy and advocacy work at both national and regional levels with the EU migration campaign.

The first regional response strategy, developed in 2016, identified a specific need for a protection response: *‘These people on the move have a need for physical assistance and services during their journey but the main challenges they face are in the field of protection; a notion that ranges from the provision of reliable and relevant information, social work, psycho-social counselling services, legal support depending on their age or asylum status, to the identification of specific vulnerable categories such as the underaged, people who are victims of trafficking, pregnant and lactating women, etc.’*¹¹ The strategy also stipulated that this wide range of needs required a response that engaged different actors and was based on collaboration with local and national civil society organizations.

‘We have understood over time that it is challenging for people to understand what it means to tell their own story... at times people have no trust, or they don’t realize the importance of telling what happened to them: their story.’

Oxfam staff member, asylum seekers reception programme, Italy

Oxfam’s humanitarian programmes in Greece, Italy, Serbia and FYRoM saw a multi-sector humanitarian response that engaged in water, sanitation and hygiene (WASH), food security, distribution of non-food items (NFIs), and gender and protection activities. By the end of 2017, the Oxfam programme had the following geographical coverage: in Greece, it worked in Epirus and the island of Lesbos; in Italy, it worked in Sicily (in the provinces of Agrigento, Caltanissetta, Catania, Messina, Siracusa, Ragusa and Palermo) and in Liguria (focusing on Ventimiglia); and in Serbia, in Obrenovac. In 2015 and 2016, the Oxfam response in the Balkans also operated in other parts of Serbia, and in FYRoM in the transit camps on the northern border, although activities were discontinued a few months after the Balkan route was closed.

The protection component of the response saw a combination of the following key activities: provision of information on the legal framework and access to services; legal assistance and, when resources allowed, legal representation; research; and advocacy. Legal aid programme activities started in October 2015 in the Balkans, in May 2016 in Italy (in Sicily), and in July 2016 in Greece (in Epirus, and later in Lesbos). More recently, in October 2017, Oxfam started protection activities in Liguria, on the Italian border with France.

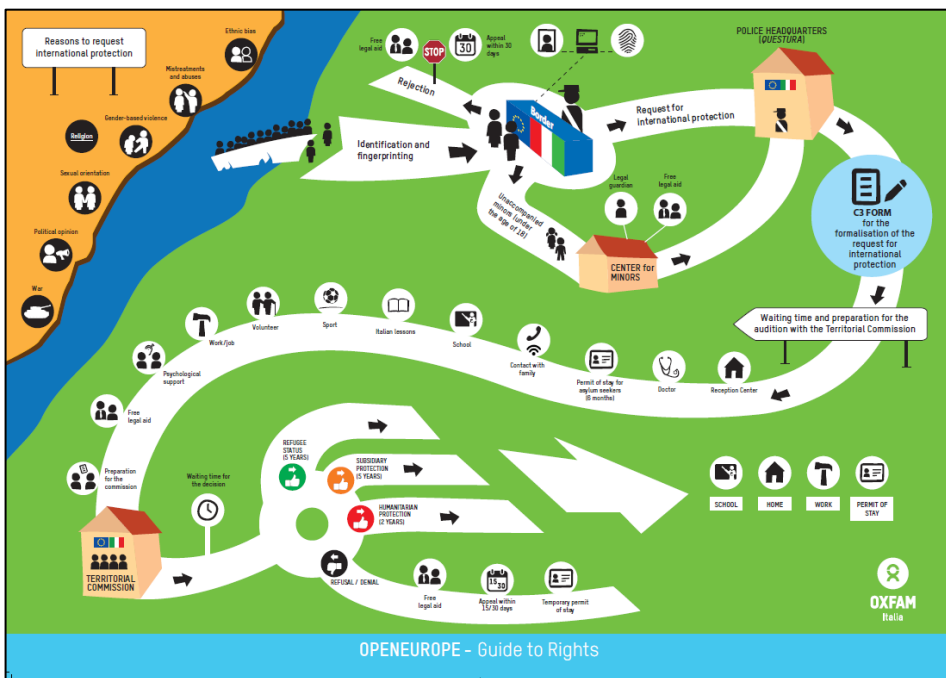
From the very beginning of the response, in line with its organizational principles, Oxfam engaged with national organizations that already had a track record and were involved in providing protection, and more specifically legal aid services, to migrants and asylum seekers in their countries. In most of the countries, Oxfam brought together different organizations, fostering collaboration and together offering multi-disciplinary assistance to migrants and refugees.

2 LEGAL AID AND PROTECTION

Legal aid comprises a broad range of services that can help asylum seekers, migrants and refugee clients to navigate the legal process to obtain refugee status, and to then obtain and maintain their civil, economic, social and cultural rights. It starts with provision of information on the law, legal processes and services, and then comprises legal counselling, legal representation, advocacy and strategic litigation.

Although assessments of the protection situation were carried out in the early stages of Oxfam's response,¹² protection activities and services did not begin until October 2015 in Serbia and FYRoM, May 2016 in Italy, and July 2016 in Greece. One of the main reasons for the slow start to legal aid activities was donors' lack of interest in supporting legal assistance work. Oxfam therefore committed internal resources to address this gap, which donors supporting other humanitarian interventions were not willing to fund. This was instrumental to the establishment of legal aid activities in Epirus and for the OpenEurope programme in Italy, where most donors' resources are dedicated to supporting migrants who are already within the system. Despite the slow start, **the programme has provided legal aid to thousands of people across the target countries.**

Figure 2: Example of a visual information and educational leaflet used by mobile teams in Sicily to describe the process of applying for international protection in Italy.



In the Balkans, Oxfam only funded legal assistance for the activities in FYRoM, whereas in Serbia the focus of its partnership with the Belgrade Centre for Human Rights was on supporting advocacy and research. Oxfam's work with Atina and Open Gate/La Strada concentrated on women's access to services as well as prevention and response to the risk of trafficking. During the first eight months, outreach teams in border areas provided basic information and cultural mediation services to 7,882 people and referred 9,162 cases, 802 of which were identified as victims of trafficking or smuggling and were referred to and made use of protected houses in Serbia and FYRoM.

In Greece, from July 2016 until November 2017 the Greek Council for Refugees (GCR) in Epirus worked on 1,146 cases (which can be representative of an individual or a family), as the only legal actor providing legal assistance to asylum seekers and refugees in the region. In Lesbos, GCR provided legal assistance to 223 individuals, and the partner European Lawyers in Lesbos (ELIL) supported 1,711 people by helping them to prepare for first instance¹³ asylum interviews.

In Italy, the programme reached 3,281 beneficiaries from May 2016 to February 2018. From October to December 2017, Oxfam and partners facilitated two cycles of multi-disciplinary trainings for officers and cultural mediators from a range of organizations working in reception centres.¹⁴

PROVISION OF INFORMATION

The first step in provision of legal aid is disseminating information on legal frameworks and procedures, as well as on services, to the target population. This enables people to develop a better understanding of their obligations and rights and what to expect from the process ahead of them, and ultimately allows them to make informed decisions. This is a crucial step in these types of interventions and can be highly beneficial to the target population, not least because it helps to reduce their anxiety about the long process they have ahead of them. Information dissemination on the legal framework and services began in October 2015 in Serbia and FYRoM, in May 2016 in Italy, and in July 2016 in Greece.

'From the minute people come [to the camps], their first question is about asylum. Most questions we used to get were on legal issues.'

In Epirus in Greece, Oxfam's protection team (which is part of the wider site-management support team), is responsible for the initial provision of information and referrals, including referrals to GCR for legal aid. Between April 2016 and September 2017, the Oxfam team made 1,560 referrals. The information dissemination activities were successful, as shown by the results of the project's mid-term survey in which 56% of respondents said that they had access to reliable and accurate information related to their rights and knew how to access available services. The focus on access to services was particularly effective, with 92% of female-headed households and 83% of male-headed households saying they knew how to access legal aid.¹⁵ People in the camps also said that having access to accurate information on the process and on their cases was positive for their state of mind.

***Oxfam staff member,
Epirus, Greece***

In Italy, provision of information on asylum procedures, laws and access to services are carried out by Oxfam mobile teams in six provinces in Eastern Sicily, and by the partner organization ARCI Porco Rosso through a static information desk in Palermo. Both the Oxfam outreach teams and the ARCI team comprise a socio-legal officer and a cultural mediator. Cultural mediators, both men and women, are usually selected from among individuals who have experienced migration to Italy and are preferably professionals who have already worked in provision of legal information to migrants and asylum seekers. These outreach teams offer support to individuals in need of legal counselling or legal assistance in the provinces of Catania and Ragusa, and in the migrant shelter in Pachino. Those who meet the criteria set out by Oxfam's partner, Borderline Sicilia,¹⁶ are referred to Borderline for legal assistance. The partner has been instrumental in ensuring that the outreach teams are constantly updated on policies and regulations, by providing them with regular training and ongoing technical support through its lawyers. In addition, Borderline developed a detailed reference guide for socio-legal officers that describes the full asylum process and explains the relevant laws and regulations.

LEGAL ASSISTANCE AND REPRESENTATION

According to a statement issued in January by the Legal Aid Actors Task Force in Greece: *'Applicants for all processes require legal assistance: to ensure the appropriate asylum procedure is pursued, vulnerabilities are detected, deadlines met, the process is fair and that basic human needs are fulfilled, and rights are respected.'*¹⁷ This statement is certainly very compelling in countries like Italy and Greece, where asylum seekers and migrants are faced with extremely complex and lengthy asylum application processes.

'Why do I need a lawyer? In my country, we need a lawyer if we commit a crime: have I committed a crime?'

Woman from the Democratic Republic of Congo, Moria camp, Lesvos, Greece



Informal camp near the Roja river in Ventimiglia, Italy (February 2018). Photo: Oxfam. Note: The camp pictured here was recently removed by Italian police. Afterwards, the police cordoned the place off in order to prevent migrants from resettling. As a consequence, vulnerable people, especially unaccompanied children, are now scattered around town and its surroundings in small groups. This situation makes them even more exposed to risks, and it is a significant cause of concern. It also makes it harder for local NGOs and volunteers to reach out to the migrants to offer support.

In Serbia and FYRoM, where the number of asylum applications have been significantly lower than in Greece and Italy, there has been no need for Oxfam to engage in supporting legal assistance and representation. The response has instead focused on provision of information and counselling, and on other protection activities.

In Greece, the GCR started operations in Epirus in partnership with Oxfam in July 2016, working across all the camps and accommodation where Oxfam was responsible for site-management services. In Lesvos, GCR was already present and started working with Oxfam in June 2017. Through its multi-disciplinary teams of lawyers, social workers and interpreters, GCR provides legal counselling and legal assistance throughout all instances of the asylum process. It also provides assistance for criminal and civil cases, with a specific focus on providing legal assistance for survivors of sexual and gender-based violence (SGBV). Overall, the protection activities carried out by Oxfam and partners in Epirus had a total target coverage of 2,750 people in Epirus for 2017–2018,¹⁸ including beneficiaries of legal aid. A total of 1,146 cases (which can be representative of an individual or a family) received legal counselling from GCR between July 2016 and November 2017.

The second partner Oxfam engaged with in Greece, the European Lawyers in Lesvos (ELIL), started operations in Lesvos in July 2016 and began its partnership with Oxfam in March 2017. ELIL operates with experienced asylum lawyers from Europe that come to volunteer on the islands. It focuses on supporting asylum seekers, including those in detention, with preparation for their first instance asylum interview. The organization offers legal representation only in cases where an applicant has been registered as an adult but is actually a minor,¹⁹ and for people with extreme vulnerability where the vulnerability has not been identified. The organization only operates on the island and has an office inside Moria camp to ensure ease of access for residents. From March 2017 to January 2018, ELIL assisted 1,013 cases (1,711 individuals) with interview preparations, while from June until October 2017, a total of 223 individuals had received legal assistance from GCR.

'[Our lawyers] treated us like friends. Because of that we have never felt as [if we] haven't got family here. We didn't even know we could go to hospital or anything, they did everything for us: took us to hospitals, police, interviews, etc. I can say that the lawyers ignited a hope in us to live again, a hope we thought we had lost.'

In Sicily in Italy, legal assistance is provided by Borderline Sicilia, a local organization with long-standing experience in migration law and provision of legal aid to migrants. Cases are selected according to specific criteria, in order to assist the most difficult cases and the most vulnerable individuals.²⁰ Cases that don't meet these criteria are referred to other legal actors. Borderline also takes certain cases for strategic litigation, as in the case of the forced boat drivers (see box below). From April 2016 to November 2017, Borderline provided legal assistance in a total of 75 cases.

Indian woman, Moria camp, Lesvos, Greece

Strategic litigation: the case of forced boat drivers

Another important component of the programme is the work that Borderline Sicilia has been doing on strategic litigation, which is taken with the specific aim of benefiting as many people as possible by bringing about a change in the law and/or its implementation. The creation of jurisprudence that can be used by other lawyers or can lead to changes in practices by Italian authorities has significant potential to broaden the programme's impact.

During 2016 and 2017, Borderline identified a practice whereby the police would systematically arrest two individuals, usually men, who had allegedly driven the boat on which migrants were transported to Italy, and were therefore accused of trafficking. As a consequence of these allegations, these individuals are separated while still on the boat and taken into custody. If custody is confirmed, they are criminally convicted and served an expulsion order to leave the country in seven days.

Borderline and Oxfam realized that these individuals had usually been forced to drive the boat by the traffickers, who stopped driving the boats themselves a few years back when the police started arresting them.²¹ The expulsion order can be challenged and the forced drivers can apply for international protection, but by law persons with a criminal conviction cannot benefit from international protection. Their only remaining chance is humanitarian protection, but the chances of these people (who are essentially victims of trafficking) receiving humanitarian protection are low. During 2017, Borderline was able to intervene in 10 of these cases and to challenge the court's decision. At least one case had been concluded by the end of 2017 and had obtained a positive outcome. This first victory – and the fact that the organization is following additional cases – could have a significant impact in reversing the practice of convicting forced drivers.

MONITORING, RESEARCH AND ADVOCACY

The denial of the access to international protection can ultimately only be addressed through advocacy, while its symptoms are addressed through programmatic responses across various sectors. In general, the different programmes across the response have provided significant evidence to be used for advocacy. Building on Oxfam's strategy of grounding its advocacy on programme evidence, the response has strived, particularly since early 2016, to be true to this commitment. Substantial efforts have been made in the past two years to bring programmes and campaigns close, both in defining objectives and priorities, and being flexible in adapting advocacy in response to concerns and needs identified on the ground, often by partners.

'If you want to work on protection it's useful and meaningful to have a legal component, otherwise you just put on a bandage. It allows you to protect individuals, but also to go all the way up.'

Partners were unanimous in identifying Oxfam's focus on advocacy and its ability to amplify and gain exposure for their messages, both at national and international levels, as key to the relevance of the joint programme. The possibility of raising concerns and seeing them raised in turn at a higher level, even with EU policy makers, was deemed to be a key added value of partnering with Oxfam.

External expert in asylum law

For some of the countries, the ability to advocate or gain media coverage at the European level made the advocacy effort more effective, as governments were more concerned about external pressure than about the opinion of national civil society. For partners, being able to do advocacy with Oxfam in Europe was crucial to achieving national change: *'Last year when we criticized the fact that people were sleeping out in the cold, our government didn't listen to us, but when it was on the UK media there was a rapid reaction. It's something that has been helpful so far.'*²² At the same time, the ability to present evidence from programmes that showed the impact and implications of policies and legislation on people's lives was instrumental in giving legitimacy to Oxfam's advocacy positions and asks.

In the current political environment, changes at national and European levels have been much harder to achieve, but Oxfam has at least been able to focus attention on certain issues and keep the debate open. Some of the policy briefs produced by country programmes and partners have received significant attention, both in the media and by decision makers. The programme has been very creative and successful in combining evidence from country programmes to influence regional and global debates, while at the same time also carrying out significant amounts of advocacy at national and local levels.

Some of the key successes have been at the national level and the local level. In 2017, an open letter addressed by Oxfam and a number of other NGOs to the Greek Prime Minister raised concerns about the poor conditions of the camps on the islands ahead of winter, with specific recommendations to the Government of Greece and the EU.²³ The open letter to the Greek Prime Minister contributed to the transferral of people from the islands to mainland at the end of 2017, which was the letter's main recommendation. Another positive example of successful advocacy at local level was the decision of the Greek Asylum Service to open a Regional Asylum Office (RAO) in Ioannina in 2018. The absence of an RAO had been raised as an issue of concern by the Epirus GCR team, because it undermined the ability of asylum applicants residing in Epirus to present and follow up their asylum claims, as they had to travel to Athens or Thessaloniki to do so. Thanks to advocacy from Oxfam and GCR, as well as by other actors such as UNHCR, the RAO in Ioannina has opened.²⁴

A key component of Oxfam's work in the Balkans has been the focus on advocacy, carried out in collaboration with the Belgrade Centre for Human Rights (BCHR), and in one case also with the Macedonian Young Lawyers Association (MYLA). The first report prepared by BCHR and launched with Oxfam's support in 2016, *Safe Passage: Testimony of people arriving in Dimitrovgrad, Serbia from Bulgaria*, was a collection of testimonies of migrants arriving to Serbia from Bulgaria, describing the mistreatment they experienced.²⁵ The following year, BCHR, MYLA and Oxfam worked on a policy brief, *A dangerous game*, focusing on the practice of pushbacks of migrants that were being observed in the Balkans, and calling for an end to these violations and the restoration of safety for people on the move.²⁶ Both reports were based on evidence and research collected by the partner organizations while carrying out their legal aid work and human rights and protection monitoring.

In Italy, Oxfam, in collaboration with Borderline Sicilia and more recently with MEDU (Doctors for Human Rights Italy), has produced two reports: *Hotspot, rights denied*²⁷ and 'You aren't human anymore': *migrants expose the harrowing situation in Libya and the impact of European policies*.²⁸ In September 2016, again in collaboration with Borderline, Oxfam published a media briefing on the situation of unaccompanied minors arriving on the Italian coasts: *Children alone: Pulled from the sea, fallen by the wayside*.²⁹ For these joint publications, partners collected testimonies from beneficiaries that were then analysed to identify trends; they were then translated into policy briefs and advocacy documents that were used both at the national level by Oxfam Italia and partners, as well as at international level by the broader Oxfam confederation.

Similarly, also thanks to a dedicated advocacy and communication team in the country, the Greece programme has produced a varied range of communication and advocacy products – from briefing papers and briefing notes, to joint statements and letters to authorities, to the exhibition *A Museum without a home – an exhibition of hospitality*. Oxfam in Greece has very often worked in coalition with other organizations, as for the policy brief *More than six months stranded – what now?* published in October 2016 together with 11 other organizations,³⁰ and the joint agency briefing note *The reality of the EU-Turkey statement*, published in March 2017 together with the International Rescue Committee and the Norwegian Refugee Council.³¹ This report presented an analysis of changes in policy and their possible impacts on Greek legislation, and ultimately on migrants' and asylum seekers' lives. The Oxfam report *Dear Family – How European migration policies are keeping families apart* was an important contribution to the campaign on family reunification, combining beneficiaries' stories with the analysis of partners GCR and ELIL on the implications of European migration policies for family unity.³²

3 ACHIEVEMENTS, CHALLENGES AND LESSONS LEARNT



Oxfam enumerators conducting the endline survey at Katsikas camp in Epirus, Greece (March 2018). Photo: Nadia Hatzimitraga/Oxfam.

There was general agreement among respondents that in the face of erosion of refugee law and denial of access to the asylum process, provision of legal aid assistance and combined advocacy on asylum are the most appropriate interventions to challenge policies and practices.

While Oxfam is not regarded as a legal actor or a traditional interlocutor on the subject of asylum reform, its combination of programme and advocacy work, especially advocacy at international level, has been widely regarded and described as the distinctive feature and added value of Oxfam's work in the context of the European response, especially with respect to legal aid for protection. Oxfam has been described as the only organization able to combine legal assistance – provided in collaboration with partner organizations – and advocacy both at national and international levels.

ACHIEVEMENTS AND SUCCESSFUL APPROACHES

The regional Oxfam response, in particular its protection component that was implemented in collaboration with important national and local legal aid and civil society actors, has provided protection assistance to over 20,000 people since August 2015. They have received information about their rights, obligations and access to services, and benefited from legal counselling and, in some cases, legal assistance and representation.

NETWORK BUILDING AND CROSS-BORDER COLLABORATION

In the Western Balkans, one of the most interesting features of the response has been the **focus on cross-border collaboration**. The coordination and collaboration between teams in Serbia and in FYRoM allowed for continuous support to be provided to vulnerable people while on the move, from their arrival in FYRoM to their exit from Serbia, through the referral of extremely vulnerable cases across borders and by coordinating the escort of unaccompanied minors during travel in critical cases.

Other common feedback from partner organizations across the whole response was the fact that working with Oxfam helped them to see the bigger picture – to see what was happening in other parts of the country, but also in other countries and in the region. Oxfam was perceived as having actively facilitated linkages among civil society actors, thus increasing their opportunities for cooperation with others.

WORKING IN PARTNERSHIP

The whole response was built on important partnerships with key national and local organizations with recognized expertise on refugees' rights and legal assistance for migrants and refugees. This has been a distinctive feature of this response, and has been regarded extremely positively both by partners and by other national and international organizations.

Both Oxfam and partner staff recognized that the cooperation with legal organizations had an immense added value for Oxfam in terms of increasing its ability to understand the legal process and the trends and practices on ground. A number of partners described how they offered training sessions for Oxfam staff, developed legal analysis of policies and regulations, or developed guidance documents for outreach staff. It seems clear that the collaboration with such experienced organizations was a capacity booster for Oxfam.

As mentioned above, partners were very positive about the cooperation with Oxfam because of its ability to amplify their messages through advocacy both at national and international levels. The possibility of raising concerns and seeing them raised in turn at a higher level, including with EU policy makers, was deemed to be a key added value of partnering with Oxfam. Oxfam opened doors to forums that partners wouldn't otherwise have accessed: from attending a legal actors' roundtable on SGBV in Thessaloniki, to attending a regional conference on asylum systems, to lobbying in New York on the global compacts on refugees and migrants, or seeing their work presented on international news outlets. Partners considered this a form of capacity building in enabling them to better understand the wider European migration situation, and an important added value of partnering with Oxfam.

SPECIFIC CHALLENGES

There have been some questions within Oxfam as to whether the organization should be supporting partners in an area in which it doesn't have specific expertise. However, partners and external observers did not perceive Oxfam's lack of in-house legal case management expertise as a challenge or as a reason for the organization not to engage with the issue.

In the majority of cases it was extremely challenging to establish accountability and feedback mechanisms. While this is a common issue within the legal aid sector, from a humanitarian point of view it is an important gap. While it is recognized that lawyers already abide by a strict ethical code and that the profession is usually regulated through a bar or other monitoring system, this does not exempt the services provided by lawyers from including accountability mechanisms, which should therefore be put in place through collaboration between Oxfam and partners.

The other main challenge was that in the policy and advocacy field, not having a history of activism on legal aid and migrant and refugee rights, it took some time for Oxfam to create space and gain legitimacy to speak. However, its ability to base the advocacy on evidence from programmes in the field played a very important role in establishing Oxfam in this area.

LESSONS LEARNED

The benefits of adopting a multi-sector and multi-layered approach to the response. Carrying out legal aid activities through a combination of Oxfam and partners' interventions was identified as the most effective approach. Examples are interventions where Oxfam plays the role of liaison with the target population, providing the more general information on legal processes and access to services, and facilitating referrals, with partners providing legal counselling and legal assistance (as in the case of Epirus); or the inclusion of legal assistance work as part of a broader package of interventions in favour of migrants and refugees (as in the case of Sicily). These combined interventions allowed a more holistic response to the needs of the target population, and capitalized on Oxfam's added value when it was implementing programmes on the ground (i.e. mobile teams, community-based protection activities, site management support).

The benefits of working through teams with multiple competences and specializations. It was found that the provision of legal assistance within a multi-disciplinary approach made for a more effective and comprehensive intervention, particularly from the perspective of beneficiaries. This includes, for example, the support of social workers (as in the case of GCR) or involving outreach staff with competencies on other subjects such as human trafficking or assisting victims of torture (as initially done in Serbia).

The positive experience of establishing a more balanced relationship with partners. The relationship with legal aid organizations was shaped in a different manner than the more commonly used approach. There was general agreement that it was positive that this response had involved a more balanced relationship in which partners were the ones bringing expertise to the collaboration. This was certainly the understanding of all the legal aid partners.

The strength of combining protection programme activities with advocacy in the context of a threat to human rights. The key driver of this crisis – a denial of access to international protection – can ultimately only be addressed through advocacy, while its symptoms are addressed through programmatic responses across various sectors. The ability to carry out evidence-based advocacy to address policies and legislation on one hand, and to provide concrete legal assistance to people affected by these policies on the other, have made this response relevant and effective. This can be considered a **positive model for future protection programming in similar contexts.**

NOTES

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- 2 Figures in this table are taken from the UNHCR website and from the Italian Ministry of Interior, the Hellenic Ministry of Migration policy, and the Ministry of Interior of the Serbian government.
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- 7 Figures provided by the Commissariat in a meeting with Oxfam staff in March 2018. For Serbian government statistics, see <http://www.kirs.gov.rs/articles/migpub.php?lang=ENG>.
- 8 'The safe third country notion [...] is the concept that Member States may send applicants to third countries with which the applicant has a connection, such that it would be reasonable for him/her to go there, and in which the possibility exists to request refugee status and if s/he is found to be a refugee, it must be possible for him/her to receive protection in accordance with the 1951 Convention. In that third country, the applicant must not be at risk of persecution, refoulement or treatment in violation of Article 3 ECHR.' Retrieved at: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=4bab55e22>
- 9 A UNHCR assessment carried out in February 2018 in Greece found that 28% of refugees and asylum seekers who experienced SGBV, did so in Greece. European Council on Refugees and Exiles. (February 2018). *Greek government disregards UNHCR reports of sexual violence in Greek island camps*. Retrieved from: <https://www.ecre.org/greek-government-disregards-unhcr-reports-of-sexual-violence-in-greek-island-camps/>
- 10 OIED Arusha communiqué to all staff, internal email 'EB meeting in Arusha 14–17 September 2015'.
- 11 Oxfam (17 February 2016) *People on the move: Europe response plan*, second draft, p.4 (internal document).
- 12 The protection assessments were carried out in late 2015 for Greece, Serbia and FYRoM.
- 13 The first instance interview is the first interview that an asylum seeker will have with representatives of the Greek Asylum Service or with case workers from the European Asylum Service office.
- 14 In Messina, the training was organized in partnership with Borderline Sicily and MEDU, while in Siracusa the training was organized in partnership with AccoglieRete.
- 15 Oxfam, Interim ECHO project report 2016/01000/IR/02/01 (internal document).
- 16 The individuals prioritized for legal assistance by Borderline Sicilia are asylum seekers who have been excluded from the protection system and who have not been able to express their intention to seek international protection, due to lack of access to legal information either at the time of arrival or during their stay in Italy, and due to irregular and hostile practices adopted by Italian authorities (police, immigration officer, *prefettura*). This category includes individuals who are outside of the reception system either because they have been excluded from it or because they have left the reception structures due to lack of appropriate standards in the shelters, lack of access to legal

assistance, and lack of access to basic and specialized services (especially medical and psychological support).

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- 18 Oxfam, ECHO 2017 project, result 4 targets and indicators.
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