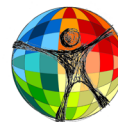


“Backpack Refugee Rights Lawyering” in Greece – Access to Justice through Legal Empowerment

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ABSTRACT

The moment asylum seekers arrive in Greece, they are often denied access to justice on different levels. At the same time international volunteer field advocates or Backpack Refugee Rights Lawyers have the goal to assist asylum seekers to master the difficulties of the complex European asylum process. More importantly they can play an important role in the process of legally empowering asylum seekers. This paper will first analyze the different forms of access to justice that is denied. Then the paper will proceed with the concept of legal empowerment of asylum seekers and it is argued that the main purpose of Backpack Refugee Rights Lawyers should be enabling asylum seekers and refugees to know and enforce their own rights. At the same time the paper identifies and addresses several problems of the work of Backpack Refugee Rights Lawyers. Overall, it is hoped that this paper will provide field advocates with information about how they can play an integral part in the legal empowerment of asylum seekers and refugees if they act according to certain guidelines.

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It is a duty of this international citizenship to always confront the eyes and ears of governments with the human suffering for which it cannot truthfully be denied that they bear responsibility. People's suffering must never be allowed to remain the silent residue of politics. It grounds an absolute right to stand up and to challenge those who hold power.¹

– Michel Foucault

Introduction

The moment asylum seekers arrive on the shores of the Aegean islands, blatant racism and the seemingly insurmountable bureaucratic hurdles of the European asylum system are often the first things that confront them. At the same time, there are the spontaneously formed grassroots organizations developed to overcome these hurdles. Short-term field advocates, or *Backpack Refugee Rights Lawyers (BRRL)* as I shall name them, who join these grassroots organizations are often the first and only ones at the legal battlefield of Europe's refugee crisis who help asylum seekers to master the looming legal uncertainties.

In Europe, asylum seekers and refugees do have a full range of rights to which they are legally entitled. The problem lies in accessing those rights. Unwillingness or inability of states to provide those rights or the exclusion through complicated procedures are some of the main obstacles for asylum seekers in Europe to access justice.

The BRRL are a relatively recent phenomenon. They themselves, are fortunate enough to possess the right passport to be enabled by facilitated migration and globalization to travel to other countries and to work there on a pro-bono basis. BRRL try to use their own rights of free movement in order to help people who have difficulties to access these rights themselves.

For the purpose of this paper, *Backpacking* shall mean a stay with a limited time commitment. The work is most of the time pro-bono and, therefore, limits the possibility of BRRL to plan for

¹ Michel Foucault, "The rights and duties of international citizenship", (9 November 2015), online: *openDemocracy* <<https://www.opendemocracy.net/can-europe-make-it/michel-foucault/rights-and-duties-of-international-citizenship>>.

a longer period of time. In addition, the backpacker is, likely, someone from another country. BRRL in Greece were mostly people who came from other places in Europe or other parts of the world. *Refugee Rights* and the lack thereof will be discussed below. One of the main goals of the BRRL is to promote access to these rights. Strictly speaking, asylum seekers are persons who are seeking the status of a refugee pursuant to the Refugee Convention.² For the purpose of this paper, I will include individuals who try to apply for asylum but are not able to do so. Refugees are persons who are recognized by the Refugee Convention. I will mainly focus on asylum seekers since their access to justice is more fragile. Here, the term *Lawyer* can refer either to fully qualified lawyers, albeit in a different jurisdiction, or paralegals, non-practitioners with a legal background who may still be at an early stage of their legal education.

Having been a field advocate myself at a grassroots organization in Athens, this paper shall refer to my own experiences to illustrate the various struggles of asylum seekers, the role and challenges of BRRL and the potential help to access justice. The paper will first explain the three dimensions of access to justice, namely the procedural, substantive and symbolic access to justice and provide examples in the Greek/EU asylum system where this access is often denied. Second, the paper will define the term *legal empowerment* in the context of asylum seekers and refugees and find possibilities how BRRL can help to legally empower asylum seekers and refugees to be able to achieve more access to justice. Lastly, the paper will identify some of the major challenges to the work of BRRL and possible remedies to these problems. Overall, the paper concludes that BRRL can play an important role in legally empowering asylum seekers and refugees as long as they understand their role well and take certain precautions.

Access to Justice for Asylum Seekers in Greece

The term “access to justice” is widely used, but there is no commonly agreed definition to it.³ Generally, most approaches focus on a procedural component or adopt a more substantive

² *Convention Relating to the Status of Refugees*, 28 July 1951, UNTS 189 [Refugee Convention].

³ Janneke H Gerards & Lize R Glas, “Access to justice in the European Convention on Human Rights system” (2017) 35:1 *Netherlands Quarterly of Human Rights* 11 at 13.

perspective.⁴ Procedural access to justice would mainly concern the ability to access a court and the potential obstacles to effectively access a court.⁵ The substantive approach to defining access to justice takes into account whether the law as a tool achieves an outcome that is “just and equitable”⁶ considering the “social, economic and environmental spheres.”⁷ The substantive approach also considers the roles of human rights organizations or ombudspersons.⁸ It is also argued that there is a third, symbolic dimension towards access to justice which concerns “the respect and recognition accorded by the system as a whole.”⁹ In this part, the paper will argue that asylum seekers in Greece are denied procedural, substantive and symbolic access to justice.

Procedural access to justice

Procedural access to justice focuses on the idea of fair trials and advancing one’s rights through a judicial system.¹⁰ It is particularly important that the individuals trying to exercise their rights have adequate and understandable information about their rights and the relevant procedures.¹¹ It is also an essential step to have adequate legal representation either through lawyers or legal aid.¹² In the refugee context, procedural access to justice means the ability to make an asylum claim, to participate in the decision making and to have the possibility to appeal.¹³

EU and Greek law provide relevant provisions that are supposed to guarantee fair trials and access to justice. For example, the European Convention of Human Rights (ECHR) provides in Article 6 the right to a fair trial and lays out a number

⁴ *Ibid.*

⁵ *Ibid.*; See also: Jennifer Bond, David Wiseman & Emily Bates, “The Cost of Uncertainty: Navigating the Boundary between Legal Information and Legal Services in the Access to Justice Sector” *Journal of Law and Social Policy* [i] at 3.

⁶ Jeremy McBride, *Access to justice for migrants and asylum seekers in Europe* (Council of Europe, 2009), para 9.

⁷ *Ibid.*

⁸ Gerards & Glas, *supra* note 3 at 13.

⁹ Bond, Wiseman & Bates, *supra* note 5 at 3.

¹⁰ Gerards & Glas, *supra* note 3 at 13.

¹¹ McBride, *supra* note 6, para 13.

¹² Bond, Wiseman & Bates, *supra* note 5 at 3.

¹³ Emily Bates, Jennifer Bond & David Wiseman, “Troubling Signs: Mapping Access to Justice in Canada’s Refugee System Reform” *Ottawa L Rev* 1 at 10.

of requirements to guarantee these rights,¹⁴ this is embodied in Article 6 of the Greek constitution.¹⁵ In reality, the Greek asylum system has many pitfalls for asylum seekers and there is not enough legal aid available for asylum seekers to avoid these pitfalls:

Trapped in the Greek Asylum System

The Greek asylum procedures are designed in a way that would make it easier to reject asylum seekers or to exclude them before they can even apply for asylum:

The discrimination starts even before a person can apply for asylum. Under the Greek asylum law if the asylum seeker arrived in Greece prior to the EU-Turkey deal (which is the vast majority of asylum seekers) a person would have to initiate the asylum procedures by calling a certain, country-specific number on Skype in order to schedule an appointment for asylum interviews.¹⁶ In reality, this number will only be sporadically or not answered at all for certain countries.¹⁷ Without having made an appointment for an asylum interview, the person is not considered to be an asylum seeker, which would be a legal status. One does not have the fundamentally important legal identity that is a key to access justice.¹⁸ Instead, one is kept in a precarious situation without official status and in constant risk of being detained by the police. From my experience during my visits to detention centers in Athens, I realized that the majority of people I asked were detained because of the very reason that they were not able to make an appointment for their asylum interview before they were detained by the police.

If one manages to actually get an appointment interview, procedural fairness is often not guaranteed. Immigration officers

¹⁴ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, [1950] ETS 5 Art 6.

¹⁵ Art 6 The Constitution of Greece (Greece).

¹⁶ "How do I apply for asylum?", online: UNHCR - Greece <<https://help.unhcr.org/greece/applying-for-asylum/how-do-i-apply-for-asylum/>>.

¹⁷ Stephanie Boltje, "Asylum seekers in Greece struggle with 'dysfunctional' Skype applications", (16 May 2016), online: ABC News <<https://www.abc.net.au/news/2016-05-16/europe-asylum-seekers-struggling-with-skype-applications/7419318>>.

¹⁸ Commission on Legal Empowerment of the Poor, *Making the law work for everyone* (LEP, 2008) at 32.

would often try to trap asylum seekers during the reiteration of their reasons for leaving their country. From my experience, immigration officers would ask the same question in different ways in order to force the interviewees to contradict themselves. There is also a lack of interpreters,¹⁹ which forces asylum seekers often to either speak in a language that is less familiar to them or sometimes to rely on interpreters who do not speak their dialect. A client of mine was forced to rely on a French interpreter, although he only spoke Creole. There is no uniform and satisfactory level of asylum and the quality of these interviews can defer drastically.²⁰ These procedural issues can sometimes be the sole reason an asylum claim fails at first instance.

These flaws were also mentioned in the case of *MSS v Belgium and Greece*²¹, where the European Court of Human Rights identified several flaws of the Greek asylum system. It held that the number of applications and inaccessibility of asylum offices resulted in “a very long wait before obtaining an appointment for a first interview.”²² It stated that the first asylum interview is often held without an interpreter and legal aid while asking only superficial questions.²³ It also mentions that “although any asylum-seeker can, in theory, lodge an application with the Court and request the application of Rule 39 of the Rules of Court, it appears that the shortcomings mentioned above are so considerable that access to the Court for asylum-seekers is almost impossible.”²⁴

Legal Aid

Further, Greek asylum law does not provide legal aid for asylum applications. For the asylum application and the interview, asylum seekers would have to rely on themselves or pay for a lawyer, which most people are not able to.²⁵ As seen above,

¹⁹ “Greece: A Year of Suffering for Asylum Seekers”, (15 March 2017), online: *Human Rights Watch* <<https://www.hrw.org/news/2017/03/15/greece-year-suffering-asylum-seekers>>.

²⁰ *Asylum Seekers On Hold - Aspects of the asylum procedure in Greece* (AITIMA, 2017).

²¹ *MSS v Belgium and Greece*, 2011 EHRR 2.

²² *Ibid*, para 180.

²³ *Ibid*, para 181.

²⁴ *Ibid*, para 182.

²⁵ “Regular procedure - Greece | Asylum Information Database”, online: *Asylum in Europe*

asylum interviews are designed in a way to trap asylum seekers and without legal assistance, it is likely that many will be rejected.

In theory, the Greek state should provide asylum seekers in certain circumstances with free legal assistance. In reality, this is often not the case as demonstrated below:

For example, unaccompanied minors do not receive the assistance they are entitled to under Greek law. The Presidential Decree No. 220 of 2007 states that “competent authorities shall take the appropriate measures to ensure the minor’s necessary representation. For this purpose, they shall inform the Public Prosecutor for Minors or, in the absence thereof, the territorially competent First Instance Public Prosecutor, who shall act as a provisional guardian and shall take the necessary steps in view of the appointment of a guardian for the minor.”²⁶ In reality, this system of guardianship is not effective due to a large number of unaccompanied minors. Without a proper legal guardian, minors are not able to access the relevant information and their rights are effectively “black letter law”.²⁷

Although theoretically, asylum seekers in detention should be able to access legal aid in order to challenge their detention,²⁸ in reality, there is no legal aid system set up for these purposes and NGOs with limited capacities have to cover this gap.²⁹ Most asylum seekers I met in detention centers were in a protracted situation and did not have any legal assistance.

Applicants in appeal procedures are rarely able to access the free legal aid scheme. According to Article 44 (2) L 4375/2016³⁰ appellants should have the right of free legal

<<https://www.asylumineurope.org/reports/country/greece/asylum-procedure/procedures/regular-procedure>>.

²⁶ “Legal representation of unaccompanied children - Greece | Asylum Information Database”, online: *Asylum in Europe*

<<https://www.asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/legal-representation>>.

²⁷ “Legal representation of unaccompanied children - Greece | Asylum Information Database”

²⁸ “Legal assistance for review of detention - Greece | Asylum Information Database”, online: *Asylum in Europe*

<<https://www.asylumineurope.org/reports/country/greece/legal-assistance>>.

²⁹ *Ibid.*

³⁰ “Regular procedure - Greece | Asylum Information Database”, online: *Asylum in Europe*

assistance before the appeals authority. In reality, there are only 21 lawyers in this scheme and the capacity is very limited.³¹

Considering all these factors, it can be said that asylum seekers have significant difficulties to have procedural access to justice.

Substantive Access to Justice

Substantive access to justice concerns the nature and extent of rights.³² In order to ensure substantive access to justice for asylum seekers, it is necessary that the asylum decision making is based on fair rules applied to the specific case of the asylum seeker.³³ It is also concerned with the socio-economical aspect of asylum seekers.³⁴

On the surface, it seems that the EU and Greek asylum law provide a human rights framework that sufficiently protects the rights of asylum seekers. Article 18 of the *EU Charter of Fundamental Rights* guarantees the right to asylum.³⁵ From analyzing the European and Greek asylum law more in depth, it becomes apparent that there are numerous obstacles to substantial access to justice for asylum seekers, the Dublin system and the EU-Turkey deal being two of the main ones:

The Dublin System

One of the aspects of European refugee law that caused a great number of problems was the Dublin system. Originally, the EU Dublin system was developed as a unified approach to prevent the situation where the same individual would be recognized as a refugee in several EU member states at the same time, also called "refugees in orbit"³⁶. Article 3(1) of the Dublin

<<https://www.asylumineurope.org/reports/country/greece/asylum-procedure/procedures/regular-procedure>>.

³¹ *Ibid.*

³² David Allen Larson, "Access to Justice" in Jürgen Backhaus, ed, *Encyclopedia of Law and Economics* (New York, NY: Springer New York, 2014) 1 at 1.

³³ Bates, Bond & Wiseman, *supra* note 13 at 10.

³⁴ McBride, *supra* note 6, para 9.

³⁵ EC, *Charter of Fundamental Rights of the European Union*, [2012] C 326/02 Art 18.

³⁶ Francesca Ippolito, "Establishing the Common European Asylum System: 'it's a long long way to Tipperary'" in *Regional Approaches to the Protection of Asylum Seekers An International Legal Perspective* (Routledge, 2016) at 124.

Regulation III states that only one member state should examine the status of the asylum-seeker³⁷ and Article 20 provides that the responsible state should be the member state of first arrival.³⁸ Due to its geographical location, Greece is one of the main entry ports in Europe and the majority of refugees from the Middle East have to pass Greece at some point. According to the Dublin regulations, these people would have to stay in Greece until their status has been determined.

This system has caused asylum seekers to be held in limbo or in detention, separate from their families.³⁹ While there is the right of family reunification, this only applies to close family members.⁴⁰ According to the Dublin regulations, families consist of spouses, unmarried partners in a stable relationship, minor children and parents of minor children.⁴¹ This means that adult children, siblings or grandparents are not able to rely on their right to family reunification. During my time in the field, the separation of families was one of the main issues I could identify.

While there may not be an issue with access to procedural justice per se, this provision contradicts the idea of a fair outcome. The Dublin system causes asylum seekers to be separate from their families for a prolonged time if they arrive in different countries in Europe and overly burdens the EU member states in border regions. These regulations prevent access to substantial justice.

EU-Turkey Refugee Agreement

The EU-Turkey Statement (also known as EU-Turkey Deal), came into effect on 18 March 2016. It stipulated that the EU would send back every person who arrives “irregularly” on Greek islands, including asylum seekers, to Turkey. In exchange for every returned Syrian, the EU would resettle another Syrian from

³⁷ EC, *Dublin Regulation (EC) 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)*, [2013] OJ, L 180/31 Art 3 [Dublin Regulation].

³⁸ *Ibid* Art 20.

³⁹ “Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national”, online: UNHCR <<https://www.unhcr.org/4a9d13d59.pdf>>.

⁴⁰ *When the Dublin system keeps families apart* (Danish Refugee Council, 2018) at 4.

⁴¹ Dublin Regulation, *supra* note 37 Art 2(g)

Turkey to the EU. Further, Turkey would attempt to prevent all illegal migration via sea and land routes.⁴²

This statement had major implications for asylum seekers arriving from Turkey after 18 March 2016 as they were subject to being returned upon arrival unless they could prove that they were vulnerable or would face persecution in Turkey. It is documented that some individuals were returned to Turkey without having had the chance to claim asylum or appeal against the decision to be returned.⁴³ This is a clear contradiction to the procedural and substantive dimension of access to justice.

Symbolic Access to Justice

Asylum seekers and refugees who may have had procedural and substantive access to justice are still often denied symbolic access to justice. Symbolic access to justice requires "adequate respect and recognition in both the rhetorical and operational realities of the decision-making environment".⁴⁴ Anti-migration rhetoric, populism, and xenophobia have created a political climate in Europe (and beyond) that rarely will grant symbolic access to justice to asylum seekers.

Far-right populist parties are on the rise and Greece is no exception. The combination of being subject to strict austerity measures and being one of the main entry ports for refugees in Europe has created an explosive combination that catapulted the neo-fascist *Golden Dawn* party into the Greek and European parliament.⁴⁵ The party stresses ethnic nationalism, despises all foreigners and has the goal to abolish democracy.⁴⁶ This party is only a symptom of a general surge of nationalist parties in Europe, which all have the common theme of hostility towards immigration

⁴² Council of Europe, *EU-Turkey statement*, 18 March 2016, press release, 144/16 (2016).

⁴³ Kondylia Gogou, "The EU-Turkey deal: Europe's year of shame", online: *Amnesty International* <<https://www.amnesty.org/en/latest/news/2017/03/the-eu-turkey-deal-europes-year-of-shame/>>.

⁴⁴ Bates, Bond & Wiseman, *supra* note 13 at 10.

⁴⁵ Sofia Vasilopoulou & Daphne Halikiopoulou, "Rising Golden Dawn: Inside Greece's Neo-Nazi Party", online: *Oxford Research Group* <<https://www.oxfordresearchgroup.org.uk/blog/rising-golden-dawn-inside-greeces-neo-nazi-party>>.

⁴⁶ *Ibid.*

and having the goal to achieve a hard line against migrants.⁴⁷ In some countries, such as Italy and Hungary, far right parties already participate in the government and are able to enact legislation and policies against migrants.⁴⁸ It is evident that such an increasingly hostile environment will also restrict symbolic access to justice for asylum seekers and refugees.

Legal Empowerment through BRRL

Access to justice is denied to asylum seekers on all dimensions as demonstrated above. Legal empowerment and access to justice are distinct: access to justice is not primarily concerned with power.⁴⁹ However, legal empowerment can be an effective tool to enable access to justice.⁵⁰ This section shall explore how BRRL could contribute to the legal empowerment of asylum seekers.

Requirements for Legal Empowerment of Asylum Seekers

Banik argues that while legal empowerment is often seen as “top-down, politician-led approach,”⁵¹ in reality “both in principle and in the development experience, legal empowerment is much more a matter of civil society and bottom-up initiatives.”⁵² In this section, I will argue that the bottom-up approach of BRRL could be effective in legally empowering asylum seekers.

Defining legal empowerment in the context of asylum seekers and refugees requires some adjustment from the more traditional definitions since these refer mostly to the rights of

⁴⁷ “Europe and nationalism: A country-by-country guide”, (10 September 2018), online: BBC News <<https://www.bbc.com/news/world-europe-36130006>>.

⁴⁸ Ian Bremmer, “These 5 Countries Show How the European Far-Right Is Growing in Power”, online: *Time* <<http://time.com/5395444/europe-far-right-italy-salvini-sweden-france-germany/>>.

⁴⁹ Pilar Domingo & Tam O’Neil, “The politics of legal empowerment: Legal mobilisation strategies and implications for development” (2014) London: ODI at 13.

⁵⁰ Sukti Dhital, “Reimagining justice: human rights through legal empowerment”, online: *OpenGlobalRights* <<https://www.openglobalrights.org/Reimagining-justice-human-rights-through-legal-empowerment/>>.

⁵¹ Dan Banik, “Legal Empowerment as a Conceptual and Operational Tool in Poverty Eradication” (2009) 1:01 *Hague Journal on the Rule of Law* 117 at 130.

⁵² *Ibid.*

"citizens."⁵³ Purkey offers such an adapted definition: "Legal empowerment in protracted refugee contexts can be defined as the process through which protracted refugee populations become able to use the law and legal mechanisms and services to protect and advance their rights and to acquire greater control over their lives, as well as the actual achievement of that increased control."⁵⁴

There are four features of this definition that are important to enable legal empowerment. First, legal empowerment is a "process and goal,"⁵⁵ which means that asylum seekers and refugees should be able to know and enforce their own rights. Second, another important aspect is that legal empowerment is not about law but power.⁵⁶ Third, asylum seekers and refugees are the ones that should be the principal actors, not the ones trying to achieve something on their behalf, but a certain degree of assistance is required.⁵⁷ Fourth, the "existence of adequate formal legal institutions"⁵⁸ and the rule of law⁵⁹ has to be given, albeit the access to justice may be declined.

Legal Empowerment as Process and Goal

As a process, asylum seekers should be empowered to effectively use the law to advance their rights and to increase their control over their own life which results in the goal of realizing those rights and control.⁶⁰ Below I will show how BRRL can use educational programs and the recruitment of paralegals to fulfill this requirement.

Legal Empowerment is about Power, not Law

In Europe, asylum seekers and refugees do not lack regulations but power. Rights are often not realized, due to the lack of political power of asylum seekers and refugees. While legal empowerment is about power, not law, laws can be used as

⁵³ *Ibid* at 120.

⁵⁴ Anna Lise Purkey, "A Dignified Approach: Legal Empowerment and Justice for Human Rights Violations in Protracted Refugee Situations" (2014) 27:2 *Journal of Refugee Studies* 260.

⁵⁵ *Ibid* at 265.

⁵⁶ *Ibid*.

⁵⁷ *Ibid*.

⁵⁸ *Ibid*.

⁵⁹ *Ibid* at 266.

⁶⁰ *Ibid* at 265.

a tool to achieve legal empowerment, since the political and socio-economic institutions are based on law.⁶¹ Law, however, is not the only tool that can be used to confer power to asylum seekers and refugees.⁶² Community-based and creative non-legal solutions are encouraged in order to reach this empowerment.⁶³ The focus should be on group mobilization and the BRRL can be seen more as an organizer rather than a traditional lawyer.⁶⁴

Asylum Seekers and Refugees should be Principal Actors

Asylum seekers and refugees should not be the object of being legally empowered but should be the actor.⁶⁵ The role of the BRRL should primarily be the role of an assistant to the people seeking empowerment.⁶⁶ Law practitioners and paralegals can provide basic information about the asylum process and train refugee paralegals.⁶⁷ Below I will demonstrate how this can be done in an effective way.

Existence of Adequate Formal Institutions and Rule of Law

Generally, the EU and Greece provide a wide range of formal institutions that are designed to deal with asylum seekers. Greece ranks relatively poorly in Europe in the Rule of Law Index of the World Justice Project.⁶⁸ Nevertheless, the EU provides a comprehensive framework for asylum seekers and generally is considered to have a high standard of Rule of Law.⁶⁹ Hence, the requirement of having formal institutions and the Rule of Law should be fulfilled in the context of Greece and the EU.

⁶¹ Banik, *supra* note 51 at 120.

⁶² Stephen Golub, *Beyond rule of law orthodoxy: the legal empowerment alternative* (Carnegie Endowment for International Peace, 2003) at 29.

⁶³ Orly Lobel, "The paradox of extralegal activism: critical legal consciousness and transformative politics" (2006) 120 Harv L Rev 937 at 959.

⁶⁴ *Ibid* at 260–261.

⁶⁵ Purkey, *supra* note 54 at 265.

⁶⁶ *Ibid*.

⁶⁷ Golub, *supra* note 62 at 33.

⁶⁸ GREECE RANKED 39 OUT OF 113 COUNTRIES ON RULE OF LAW, RISING TWO POSITIONS, World Justice Project (WJP) Rule of Law Index (World Justice Project, 2018).

⁶⁹ "Rule of Law", (6 December 2016), online: European Commission <https://ec.europa.eu/neighbourhood-enlargement/policy/policy-highlights/rule-of-law_en>.

Promoting Access to Justice

After establishing that BRRL can contribute to the legal empowerment of asylum seekers and refugees and the prerequisites are given, one would have to analyze how this legal empowerment can lead to more access to justice.

Non-Judicial Representation

Most asylum cases do not make it to the litigation stage where a law practitioner would be needed, thus, the non-judicial representation may be more valuable than legal representation at court. There are no appeals against the majority of first instant asylum decisions.⁷⁰ While these appeals and more formal judicial procedures would require fully qualified lawyers to represent the appellant, at the initial asylum interview stage, asylum seekers would normally have to represent themselves.⁷¹ BRRL can prepare asylum seekers for this interview by making them aware of possible contradictions in their timeline and by giving them the opportunity to have a mock-interview before the actual interview. Further, BRRL are able to join asylum interviews as a non-intervening third party if the interviewee consents. The mere presence of a third party may create a more impartial asylum interview. Moreover, BRRL can remind their clients that it is important to take a copy of the transcript and a recording of the interview. In appeal cases, this could be crucial evidence.

BRRL can contribute to the legal empowerment of asylum seekers in order to achieve more procedural access to justice. As mentioned above, some of the major impediments to procedural access to justice are the complicated and unfair asylum interview practices, the lack of legal aid and the lack of legal information.

By being legally empowered, asylum seekers are more likely to navigate through the asylum process without being trapped. The issue of not giving asylum seekers the chance to present themselves at an asylum interview in the first place requires a larger degree of advocacy and awareness raising.

⁷⁰ "Statistics - Greece | Asylum Information Database", online:
<<https://www.asylumineurope.org/reports/country/greece/statistics>>.

⁷¹ *Supra* note 25.

Participation in Public Interest Litigation

Besides non-judicial representation, BRRL can also contribute to public interest litigation and obtain more rights for asylum seekers and refugees through court decisions. While BRRL cannot themselves participate in the litigation, they can support licensed lawyers who bring these concerns to the court. BRRL can help in the following ways: First, they can identify cases that would be suitable for public interest litigation and refer these to pro-bono lawyers. Second, they could bring an international perspective into this issue and strengthen the submissions of lawyers through their own comparative perspective. Third, they are often closer to the field and are able to gather evidence of abuse and other inadequatenesses that have to be tackled. Fourth, BRRL can use the gained knowledge in their own country in a similar case. It is important to keep in mind that at any stage, asylum seekers would have to play an active role themselves.

Besides the *MSS* case,⁷² which is a good example of a successful public interest litigation case, more recently in April 2018, the highest court in Greece, the Greek Council of State, issued a ruling that annulled the geographic restriction on the Greek islands and stated that this measure was unjustified.⁷³ Prior to this action, the geographic restriction required asylum seekers to remain on the island of first arrival, leading to overcrowding and lack of resources on the island camps.⁷⁴ The action was brought by the NGO Greek Council for Refugees which consists of Greek pro-bono lawyers and volunteers.⁷⁵ This case is an example of how NGOs can achieve more substantial access to justice through the courts and that BRRL can support NGOs in these undertakings.

⁷² *MSS v. Belgium and Greece*, *supra* note 21.

⁷³ "Top Greek Court annuls island restriction for new asylum seekers | European Council on Refugees and Exiles (ECRE)", online: ECRE <<https://www.ecre.org/top-greek-court-annuls-island-restriction-for-new-asylum-seekers/>>.

⁷⁴ "Greece: Dire Refugee Conditions on Islands", (23 January 2017), online: Human Rights Watch <<https://www.hrw.org/news/2017/01/23/greece-dire-refugee-conditions-islands>>.

⁷⁵ "GCR - Who we are", online: Greek Council for Refugees <<https://www.gcr.gr/en/our-work/who-we-are>>.

Enhancing People's Knowledge about the Asylum Process and Beyond

The European and Greek asylum systems bring many pitfalls that can be difficult to understand for legal practitioners. For asylum seekers, who recently fled war or persecution and undertook the perilous crossing over the Aegean Sea, these procedures may seem insurmountable. Thus, one of the main aspects of a BRRL work should be the enhancing of people's knowledge about the asylum process. Besides lack of financial and material goods, one of the main resources that are lacking for asylum seekers in Greece is correct information. Especially, legal aid is a resource that is not readily available for asylum seekers and leaves them "guessing"⁷⁶ in the dark about the complex processes of the asylum system. Without the right information, there will be rumors, which lead to wrong beliefs, which could lead to detrimental actions. First, shifts in Greek and EU asylum policies would often create rumors.⁷⁷ For example, after the EU-Turkey deal, the rumors increased that one could only complete the asylum application process and the Skype interview in certain Greek cities.⁷⁸ Second, refugees would develop distrust towards statements made by government officials and aid authorities.⁷⁹ The frequent changes in government policies and the lack of implementation of those policies will negatively impact the trust in government officials, aid workers, and the formal processes in general.⁸⁰ Third, there is a lack of consistency and clarity regarding official information.⁸¹ It has become apparent that government and UNHCR officials would sometimes hold back important information in order to convince refugees to stay in Greece.⁸² Moreover, the Asylum Center did not clarify the fact that two asylum interviews are required in order to receive asylum, causing confusion regarding the purpose of the

⁷⁶ Virginia Vigliar, "In Greece, lack of legal aid leaves migrants and refugees guessing", (25 November 2016), online: Devex <<https://www.devex.com/news/sponsored/in-greece-lack-of-legal-aid-leaves-migrants-and-refugees-guessing-88964>>.

⁷⁷ Melissa Carlson, Laura Jakli & Katerina Linos, "Refugees Misdirected: How Information, Misinformation, and Rumors Shape Refugees' Access to Fundamental Rights" (2017) 57 Va J Int'l L 539 at 558.

⁷⁸ *Ibid* at 558–559.

⁷⁹ *Ibid* at 559.

⁸⁰ *Ibid* at 559–561.

⁸¹ *Ibid* at 561.

⁸² *Ibid* at 562.

interviews.⁸³ This confusion would increase the mistrust in government officials, and cause the spread of false rumors.⁸⁴ Fourth, this uncertainty regarding rights and processes causes refugees and asylum seekers to turn to the informal sector to receive services. Refugees and asylum seekers would, for example, turn to smugglers in order to informally leave Greece to other European countries.⁸⁵ Sometimes these smugglers would spread rumors and wrong information on purpose in inciting refugees and asylum seekers to use their services.⁸⁶ In conclusion, it seems that the lack of coherent, correct formal information leads to a domino effect that benefits the informal sector and causes asylum seekers and refugees to fall prey to smugglers, making information one of the most important goods.

BRRL are in a position that enables them to attain correct and coherent information which they could provide to asylum seekers and refugees. BRRL have a legal background and are better equipped than asylum seekers and refugees to do the requisite research. At the same time, they are less involved in local politics and are, therefore, more trustworthy for asylum seekers. As discussed above, one of the main issues that undermine the procedural access to justice for asylum seekers in Greece is the scarce availability of legal aid. BRRL can fill this gap by providing this information. This would also prevent asylum seekers to be exploited by smugglers and gives them the possibility to be aware of their rights.

A possible strategy to do so could be the initiation of educational programs. In India “barefoot lawyers”⁸⁷ have developed simple tactics and educational programs to enable villagers to claim their own rights. This educational approach could also be used by BRRL to inform asylum seekers and refugees about their rights. Eventually, this could lead to the realization of these rights. For example, during my fieldwork, my organization provided legal information sessions, information pamphlets, and informal face-to-face information to asylum seeker and refugees. This was an effective tool to ensure that our clients knew about

⁸³ *Ibid.*

⁸⁴ *Ibid* at 563–564.

⁸⁵ *Ibid* at 566–567.

⁸⁶ *Ibid* at 566.

⁸⁷ Tina Rosenberg, “India’s Barefoot Lawyers”, online: *The New York Times* <<https://www.nytimes.com/2017/08/08/opinion/indias-barefoot-lawyers.html>>.

their rights. Thus, they would be able to achieve more procedural access to justice themselves.

Advocacy

Asylum seekers and refugees are not able to participate in the normal political process in a democracy since they are not able to contest the government in elections, thus, advocacy could fill this gap.⁸⁸ As non-nationals, asylum seekers and refugees are not able to vote and political parties have little incentive to cater to their rights. On the contrary, strategies based on populism and scapegoating of migrants has become a trend that many political parties have started to utilize in order to gain the support of the voters. Asylum seekers are in fact excluded from being part of the political process altogether, leading to their "political death".⁸⁹ Major decisions that affect them the most are made without giving them the chance of raising their voice as the EU-Turkey deal shows.

Therefore, it is the moral obligation of the civil society to address this problem and achieve more political participation through advocacy. According to the World Bank, advocacy, in order to achieve empowerment, requires "speaking on behalf of and representing the voiceless, mobilizing to encourage others to speak with you, and empowering the voiceless to speak for themselves."⁹⁰ First, as BRRL are in close contact with asylum seekers and refugees and will likely have a better understanding of the necessities in the field than policymakers. BRRL will normally have the opportunity to attend meetings with other NGOs, the UNHCR and the Greek government, during which they are able to identify problems and raise them. Second, in order to make the appeal more forceful, one would have to engage others as well to raise awareness. For example, in Greece a wide variety of advocacy tools were used: Social media campaigns and joint open letters by asylum seekers, refugees, and grassroots organizations were effective tools to raise awareness about the abysmal situation in refugee camps and the discrimination of certain nationalities through the Skype application system. The law is given, but not enforced adequately or flawed, thus it is

⁸⁸ Purkey, *supra* note 54 at 271.

⁸⁹ Fraser, Nancy. 2005. "Reframing Justice in a Globalizing World." *New Left Review*. 69-88 at 77.

⁹⁰ Christine M Koggel, "Empowerment and the Role of Advocacy in a Globalized World" (2007) 1:1 *Ethics and Social Welfare* 8 at 16.

important that extra-legal methods of empowerment are utilized to empower asylum seekers and refugees. Moreover, they could counter the right-wing propaganda by providing the general public with an objective and more authentic perspective on the situation, creating more procedural, substantial and symbolic access to justice. Lastly, the objective should be the empowerment of asylum seekers and refugees to speak for themselves by recruiting and training refugee paralegals.

Recruiting and Training Refugee Paralegals

Sustainability can be achieved if BRRL can recruit paralegals who are refugees themselves. As Golub says: "Educating and enabling the disadvantaged to deal with legal matters immediately affecting them would positively impact human rights, good governance, and project performance."⁹¹ In Thailand, for example, some legal clinics train refugee paralegals in order to provide more access to justice for their peers.⁹² Refugee paralegals would have the advantage to have a better understanding of the situation of their peers. Information sharing would be facilitated through better communication and familiarity with social and cultural factors,⁹³ which could be major obstacles for BRRL. Further, more sustainability can be guaranteed once BRRL and local pro-bono lawyers leave. Ultimately, asylum seekers and refugees can only be truly legally empowered if they are able to effectively represent themselves.

BRRL can join local NGOs in order to train refugee paralegals in essential skills that would enable them to contribute to their own community. Musenga, who is such a refugee paralegal in Kenya explains that in Kenya, local NGOs in conjunction with the UNHCR and IMO train refugees to become paralegals.⁹⁴ BRRL in Greece could be involved in this process and provide training to refugee paralegals in their field of expertise, the asylum system, and advocacy. Eventually, refugee paralegals would have the same skills as BRRL themselves but may be more effective in using them. Being a part of the refugee community is an advantage that refugee paralegals have over

⁹¹ Golub, *supra* note 62 at 40.

⁹² Purkey, *supra* note 54 at 268.

⁹³ *Ibid* at 269.

⁹⁴ Tshimankinda Christian Musenga, "Refugee paralegals | Forced Migration Review", online: *Forced Migration Review* <<https://www.fmreview.org/economies/musenga>>.

BRRL and other pro-bono lawyers. Musenga describes the advantages as follows:

I am able to intervene in refugee cases (especially arrest and harassment cases) at any time of the day or night, including on weekends and holidays; large organisations only intervene during their hours and days of work. We also advise, refer and follow up on cases, giving feedback to refugees, which means they do not have to pay the costs of transportation to these NGOs, whose offices are all far from where refugees live. Importantly, refugee paralegals are based where refugees live. We deal with refugees on a daily basis as the majority of us are also refugees and live as part of the refugee community. In the community where I live and work, we have established a forum where refugees can share their own ideas on legal and livelihoods issues.⁹⁵

The Ghanaian refugee community in Canada has shown that strong involvement of the community can be more beneficial than any legal aid. Between 1987 and 1998, Ghanaians in Canada were able to increase their chances to receive asylum from 7% to 30%.⁹⁶ They worked closely with the government and decision-makers to change the preconceptions that existed and to provide more accurate country of origin information (COI) regarding the situation in their country.⁹⁷ They prepared newly arrived asylum seekers for their asylum interview by conducting mock interviews.⁹⁸ Lastly, they also changed the public perception regarding Ghanaian asylum seeker by cooperating with the media and NGOs.⁹⁹ Refugee paralegals in Greece could use a similar approach to increase the access to justice of asylum seekers. They could train newly arrived asylum seekers for their asylum interview to prevent them from being trapped during the actual interview. Further, they could advocate for more rights and participate in strategic litigation cases as plaintiffs in order to achieve more substantial justice. Through cooperating with the

⁹⁵ *Ibid.*

⁹⁶ Cynthia Hardy, "Refugee Determination: Power and Resistance in Systems of Foucauldian Power" (2003) 35:4 *Administration & Society* 462 at 475.

⁹⁷ *Ibid* at 477.

⁹⁸ *Ibid* at 479-480.

⁹⁹ *Ibid* at 480.

media they could also give people a better understanding of the situation, making them less hostile towards refugees in general. Effectively, they could be able to achieve more procedural, substantive and symbolic access to justice, making them one of the most important actors in the legal empowerment process.

Potential Challenges of BRRL and Suggested Remedies

While BRRL can assist asylum seekers to achieve more access to justice by legally empowering them, there are several potential pitfalls that have to be avoided. This section will address these challenges and propose solutions thereof. This is a non-exhaustive list of potential challenges I could identify during my fieldwork:

Challenges and Proposed Remedies

Lack of Expertise

Although BRRL should have a legal background, as a legal practitioner or paralegal, they come from a different jurisdiction and may not have the necessary expertise to address all the issues. Issues of the EU asylum law (such as the Dublin System or the EU-Turkey deal mentioned above) add another layer of complexity. Without a solid knowledge of the law, one will inevitably not be able to provide information on every issue. Underqualified volunteers who think that their mere presence will help and make a big difference to the “underprivileged” could be deeply counterproductive to the situation of asylum seekers.

Giving the wrong advice could cause tremendous damage to the case of asylum seekers and sometimes be illegal. Sarahardini, who came as a refugee herself, and four other volunteers were arrested in Greece for the same charges as smugglers who get caught.¹⁰⁰ Legally, there is no distinction between humanitarian assistance and smuggling if the act constitutes aiding or abetting¹⁰¹ “the systematic facilitation of illegal entrance of

¹⁰⁰ Richard Pérez-Peña, “She Was Called a Hero for Helping Fellow Refugees. Doing So Got Her Arrested.”, *The New York Times* (1 November 2018), online: <<https://www.nytimes.com/2018/09/26/world/europe/greece-migrant-aid-arrests.html>>.

¹⁰¹ Mariana Gkliati, “Proud to Aid and Abet Refugees: The Criminalization of ‘Flight Helpers’ in Greece”, (23 May 2016), online: *Oxford Law Faculty* <<https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/05/proud-aid-and>>.

foreigners".¹⁰² Therefore, ignorance about the relevant regulations could bring both, the asylum seeker one is helping and oneself into danger.

At the same time, it is important to manage expectations. The idea that a "lawyer" is now providing "legal aid" can create high expectations for some asylum seekers. As discussed above, being too proactive can cause serious consequences for oneself. But being too little engaged may cause disappointment. Without striking the right balance one could create more expectancies than one is able to fulfill.

For this reason, it is paramount for grassroots organizations which employ BRRL to vigorously prepare and test them before their commencement in the field. BRRL should always be reminded that their primary purpose is not to give legal advice but to provide information about the European asylum system and processes. The decision still lies with the asylum seekers themselves. In order to ensure correct and updated information about the current asylum laws, a network of all BRRL and asylum lawyers in Greece and beyond would be a good source. In this network, more experienced BRRL and Greek lawyers could provide the most updated information. Others in the group could help to peer-review the accuracy of the information. There are many social media tools that can be creatively used for these purposes. Indeed, my organization used a mixture of Facebook, Slack and Google drive to always provide the most adequate information if one of the BRRL had questions. There are also European networks of information sharing to coordinate the distribution of supplies, give updates on policy changes and share images of the reality in the field that media may not show.¹⁰³ A strong support network could alleviate the problem of lack of expertise.

Cultural and Lingual Barriers and the Risk of Patronization

Working with any community that has a different cultural background creates challenges. Refugee communities in Greece (and beyond) have a very diverse background. In 2017, for

¹⁰² Pérez-Peña, *supra* note 100.

¹⁰³ Katie Whittaker, "Volunteering: a sustainable solution to Greece's refugee crisis?", (23 November 2015), online: *Global Citizen* <<https://www.globalcitizen.org/en/content/volunteering-a-sustainable-solution-to-greeces-mig/>>.

example, the top five countries of origin were Syria with 16,396, Pakistan with 8923, Iraq with 7924, Afghanistan with 7567, and Albania with 2450 asylum seekers.¹⁰⁴ BRRL are likely not from any of these countries and there can be a cultural and lingual barrier. Such barriers can easily cause cultural misunderstandings, which could lead to a lack of trust and the exclusion of the BRRL. Considering oneself as an expert in asylum law and the injustice asylum seekers have to face before even coming to Greece would be the wrong approach that is doomed from the beginning. The problem is that legal practitioners and law students often study a conventional “problem-solving” technique that focuses on the logical solving of pre-designed problem questions.¹⁰⁵ The reality in Greece is messy and often it is difficult to even identify the specific problem out of all problems.

Thus, in order to have a culturally sensitive approach, it is paramount that BRRL can practice effective community lawyering without patronizing the community. Imai identifies three skills that can be used for effective community lawyering: “collaborating with a community, [...] recognizing individuality, [...] and taking a community perspective.”¹⁰⁶ First, collaborating with the community requires one to adopt a less hierarchical approach.¹⁰⁷ The best way to achieve this would be if BRRL and refugees could work together in collaboration, such as the recruitment of paralegal model. This would have the advantage of overcoming potential language barriers. Second, it is important not to treat asylum seekers and refugees “as a depersonalized group of ‘oppressed people,’”¹⁰⁸ since, as noted by Purkey, legal empowerment is not about seeing asylum seekers as passive objects to whom assistance happens.¹⁰⁹ For this purpose, one should acknowledge one’s own identity and race and emotions in order to understand the individuality of the community.¹¹⁰ Third, one would have to adopt the perspective of a member of the community. Therefore, one would have to start speaking “Plain English.”¹¹¹ Many asylum seekers and refugees I encountered spoke a high level of English, but the issue is not necessarily about

¹⁰⁴ *Supra* note 70.

¹⁰⁵ Shin Imai, “A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering” (2002) 9 *Clinical L Rev* 195 at 202.

¹⁰⁶ *Ibid* at 200.

¹⁰⁷ *Ibid* at 206.

¹⁰⁸ *Ibid* at 207.

¹⁰⁹ Purkey, *supra* note 54 at 265.

¹¹⁰ Imai, *supra* note 105 at 217.

¹¹¹ *Ibid* at 219.

language but translating legal language into plain language. This would also make it easier for an interpreter to translate. It would further require to put oneself into the perspective of an asylum seeker and try to understand the needs and challenges one faces. Overall, effective community lawyering within the refugee community can be achieved and it is an essential requirement in order to even start working.

Language barriers are another issue one will inevitably come across. But just as there are BRRL the volunteer community has a large variety of skills offered by different volunteers. Organizations, such as "Translators Without Border"¹¹² provide free translation services. The refugee community itself can be an important source if a translation is needed and clients would often bring friends along who spoke better English. Finally, in case there is really no possibility to find an interpreter, apps such as Google Translate may not provide perfect translations but have been very useful in the field. For all these mentioned translation possibilities, it is essential that one speaks in plain English that can be easily translated.

Short-Term Stay of BRRL vs. Long-Term Situation of Asylum Seekers

Asylum seekers often have to stay for years until their status is finally determined. While officially the average processing time for an asylum claim at first instance is six months,¹¹³ individual cases may last well over a year.¹¹⁴ This time frame does not include the time people have to wait until they get an appointment for their asylum interview which can last several years.¹¹⁵ In addition, there are those who are not able to make an appointment for their asylum interview because of the discriminatory system discussed above. During my visits to detention centers, I met people who have been in Greece for over ten years without any status until they got caught by the police.

¹¹² "Volunteer as a translator for Translators without Borders", online: <<https://translatorswithoutborders.org/volunteer/>>.

¹¹³ *Supra* note 25.

¹¹⁴ *Ibid.*

¹¹⁵ Patrick Strickland, "Refugees in Greece reflect on another year of waiting", online: <<https://www.aljazeera.com/news/2017/12/refugees-greece-reflect-year-waiting-171226173758364.html>>.

Most BRRL are only able to stay for a short period of time due to financial and time constraints. Unless they were able to secure another source of income, BRRL would have to rely on their own savings in order to stay. Realistically, BRRL will only be able to stay for a few months. Often grassroots organizations that engage BRRL act as a legal clinic that also gives law students and recent graduates the opportunity to work for the summer.

This time constraints on the one hand and prolonged procedures on the other can cause problems of consistency. The number of BRRL will constantly fluctuate and grassroots organizations and asylum seekers can never plan with a certain number of BRRL available in a certain area. This fluctuating number of BRRL could cause asylum seekers to have a lack of legal certainty and may be frustrating. This constant coming and going of BRRL requires constant training and the effective handover of cases. Cases could easily fall through the cracks.

There are two ways to tackle this problem: First, the handover of cases has to be done in a responsible and sustainable manner. All information regarding a case should be meticulously well recorded and the information should be shared with the successor in a confidential manner. Successor and predecessor should stay in close contact after the case has been passed on in case any question arises. Second, after the BRRL have left the field work, they should remotely continue with the cases that have been taken on. Social media networks such as Facebook have been successfully used among Syrian refugees to maintain their social capital and to share important information among each other,¹¹⁶ therefore, it would not be a problem to be a part of this information network as a BRRL after the social network with refugees has been established on the field. This way BRRL can also continue their support for asylum seekers after they leave.

Mental Health of BRRL

While it may seem more obvious that refugees and asylum seekers are prone to post-traumatic stress disorders (PTSD) and other mental illnesses, the pressure on the mental health of volunteers dealing with asylum seekers and refugees cannot be underestimated. BRRL, in particular, may be more susceptible due to their close contact with asylum seekers and refugees. Rather

¹¹⁶ Reem Ramadan, "Questioning the role of Facebook in maintaining Syrian social capital during the Syrian crisis" (2017) 3:12 Heliyon e00483.

than providing more superficial services, BRRL will listen to asylum seekers who reiterate their experiences as survivors of war, persecution, torture, or sexual violence. A BRRL is confronted with abysmal situations in camps, police brutality, or suicide threats. In some circumstances, their own security may be at risk. The mental health of volunteers is underexplored.

Often volunteers who deal with asylum seekers and refugees can be subject to burnout or secondary trauma through listening to the traumatic experiences of other people.¹¹⁷ The risk of anxiety disorders, PTSD and depression is elevated for human rights workers.¹¹⁸ Qualitative research on burnout factors for human rights advocates has also shown that a “martyr” culture of sacrificing one’s own mental health for the sake of prioritizing their cause.¹¹⁹ Perfectionism in the work of human rights advocates has also been linked to a higher risk of PTSD.¹²⁰ Neglecting one’s own mental health can make the traumatic experiences during the stay a lifetime problem without adequately addressing this issue.

It is, therefore, important to develop coping mechanisms oneself and to receive sufficient support from the organization and the volunteer community. Coping mechanisms that have been proved as effective include: First, high self-efficacy is a strong indicator of resilience.¹²¹ Setting realistic goals and the belief to succeed in these tasks is a good way to prevent moments of disappointment and the feeling of helplessness. Second, while coping mechanisms are highly specific to every person, studies have shown that “trauma-focused”, which focuses and objectively analyzes a traumatic event, and “forward-focused”, which focuses on future goals and remaining positive, were effective coping mechanisms to prevent PTSD.¹²² Support mechanism through the organization and the volunteer community are also essential for BRRL to keep sane. The organization should facilitate routine counseling and the possibility to anonymously receive counseling if needed.¹²³

¹¹⁷ Sarah Knuckey, Margaret Satterthwaite & Adam Brown, “Trauma, Depression, and Burnout in the Human Rights Field: Identifying Barriers and Pathways to Resilient Advocacy” HRLR Online 267 at 270.

¹¹⁸ *Ibid* at 272.

¹¹⁹ *Ibid* at 274.

¹²⁰ *Ibid* at 312.

¹²¹ *Ibid* at 313.

¹²² *Ibid* at 315.

¹²³ *Ibid* at 317.

Alternative to Being a BRRL

While BRRL can contribute to the legal empowerment of asylum seekers and refugee, there are alternatives which would not require one to “backpack” in order to contribute:

Legal practitioners and paralegals may be able to support the work of BRRL through their remote research. COI is one of the determining factors of every asylum interview.¹²⁴ The decision-maker would compare the information provided by the asylum seeker with the COI that is available as an objective information source regarding the actual situation in a country.¹²⁵ For example, if someone claims to be from a persecuted minority, the decision maker would look at the COI available and verify that the minority is actually persecuted in the country of origin of the asylum seeker. Unfortunately, decision-makers in Greece often rely on insufficient, unofficial, or outdated sources.¹²⁶ If the interviewed asylum seekers themselves are able to present objective COI information to support their case it would benefit their asylum case immensely. Remote researchers are able to fill this gap by providing tailor-made COI reports for each asylum seeker that captures the situation of people with a similar background as the asylum seeker in her or his country of origin. People with a legal background would be able to present a clear and persuasive COI report. Moreover, while it may be beneficial for advocates to be on the field, advocacy can be done from anywhere. International advocates can support local ones in their advocacy by creating more international awareness, which would increase the pressure on the local government.

As long as one has the right passion, compassion, and professionalism, one can contribute to the empowerment of asylum seekers and refugees from anywhere around the world.

Conclusion

This paper shows that the obstacles that are faced by asylum seekers the moment they arrive in Greece. Their access to justice is denied in the procedural dimension, by making the asylum process complicated and arbitrary, and by not providing

¹²⁴ Guy S Goodwin-Gill & Jane McAdam, *The refugee in international law*, 3rd ed ed (Oxford ; New York: Oxford University Press, 2007) at 545–546.

¹²⁵ *Ibid* at 546.

¹²⁶ *Supra* note 25.

adequate legal aid, in the substantive dimension, by having policies that are unfair and detrimental for asylum seekers, such as the Dublin Process or the EU-Turkey deal, and in the symbolic dimension, by adopting a more and more anti-immigration stance with the rise of right-wing parties in Europe.

BRRL can provide some relief and promote legal empowerment, as long as they keep in mind that legal empowerment is a goal and process, that it is about power, that asylum seekers and refugees should be the primary actors, and that adequate formal institutions and the Rule of Law have to be given. With these elements in mind, BRRL can provide non-judicial representation, participate in public interest litigation, enhance people's knowledge about the procedures, advocate and recruit and train refugee paralegals. The goal should be that asylum seeker and refugees should be able to know their rights and be able to enforce these rights themselves.

Finally, there is a number of potential challenges that BRRL may face during their time in the field. First, since BRRL are not normally familiar with the asylum system in Greece, they may give out wrong information or even be engaged in acts that are considered to be illegal. Second, there may be cultural and lingual barriers and the danger that BRRL may patronize their clients. Third, the short-term stay of BRRL may not be enough for long-term problems and could even be detrimental sometimes. Fourth, BRRL may be prone to PTSD or depression through the constant encounter with victims of violence and persecution. I recommend a number of remedies and precautions and offer an alternative by supporting fieldworkers remotely.

Overall, BRRL can play an integral part in the legal empowerment of asylum seekers and refugees if they act according to certain guidelines and provide asylum seekers with the chance to empower themselves. BRRL can be a small step in a greater movement that could achieve more access to justice from the bottom-up and challenge those who hold power.

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