



ENGLISH



This leaflet is a result of a consultative process with the Legal Aid Working Group in Lesvos. The information contained is purely indicative and contains a general summary of the main legislative provisions around asylum as applicable in Greece. However, it is non-exhaustive and subject to changes or even to a different implementation by the authorities, for which the Authors assume no responsibility or liability. It is recommended to every person seeking asylum in Lesvos to refer to a lawyer for individual counselling.

## O/ Legal Advisors:

### GCR (Greek Council for Refugees)

- Agiou Therapondos 5, Mytilene
- Email: gcr-lesvos@gcr.gr
- Monday to Friday, 10:30 to 12:30

### ELiL (European Lawyers in Lesvos)

- ICRC and BRF containers in the Olive Grove (Moria)
- Phone/ WhatsApp: + 30 694 505 1969
- Email: info@elil.eu
- Monday to Friday, 9:00 – 14.00 in the Olive Grove (Moria)

### HIAS (Hebrew Immigrant Aid Society)

- P. Kountouriotou 47, 2nd floor (above Loft cafe) Mytilene
- Phone: 2251055488
- Arabic Phone: +306944134335
- Farsi & Francais Phone: +306944134160
- WhatsApp And Viber
- Monday to Friday, 09:00 - 17:00

### DRC (Danish Refugee Council)

- Info Point/ RIC/Moria: 12:30 – 15:00
- DRC Protection Team accessible for legal appointment booking at Info Point RIC/Moria:
- Monday to Friday, 12:30 -15:00
- Phone/WhatsApp:+30 694 840 0494
- Monday to Friday, 9:00 – 17:00

### Legal Centre Lesvos

- Hosted in Mosaik Support Center, Sappous 9, Mytilene
- Phone/WhatsApp +30 6940198997
- Monday to Friday, 10:00 - 14:00

## 1/ Definition of international protection:

There are two types of international protection in Greece:

1. "Refugee status"- according to the 1951 Refugee Convention, a refugee is "a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

2. "Subsidiary protection" – "a person eligible for subsidiary protection means a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country."

There is another form of protection that may potentially be applicable, if you are not granted international protection - "Humanitarian status" - which is a one-year residence permit that may be granted to you by the Ministry of Interior for exceptional humanitarian reasons, if your application is rejected after the appeal stage and the Appeal's Committee refers your case for this type of protection.

You have the right to apply for international protection at any time. You can declare your intention to apply for international protection upon arrival in Lesvos. Until you declare your intention to apply for international protection, you may be readmitted to Turkey.

## 2/ You have the following basic rights and obligations once you have applied for international protection:

### Rights:

- Right to not be readmitted to Turkey until the examination of your asylum application has been completed
- Right to receive information about your asylum application, rights and obligations in a language you understand
- Right to access basic assistance including shelter, food, legal, medical and psychosocial assistance
- Right to work
- Right to social insurance
- Right of access to education (your minor children can go to school).

### Obligations:

- Obligation to cooperate with the Greek authorities
- Obligation to abide by the Greek law
- Obligation not to leave Greece until the examination of your asylum application is completed
- Obligation not to leave Lesvos if you are under a geographical restriction
- Obligation to renew your asylum card, and attend your asylum interview, on the date specified
- Obligation to provide up to date contact information to the asylum services – this is important as the asylum services may contact you, for example to reschedule your interview or request additional information in relation to your asylum application.

Remember that if you breach any of these obligations, you are at risk of being detained and/or having your asylum application discontinued.

## 3/ Police Registration:

### Police:

- You will receive a decision from the police ordering you to remain on Lesvos until the next stage of the procedure is completed
- You will receive a police document – one or two-page A4 document, including a photo in top right of the page, and basic personal details. This includes a unique number that follows you through the asylum process
- Police will take your fingerprints (for those over 14 years old) (EURODAC system)

Remember to give true and accurate person details (name, age, etc) - you cannot change these details later unless you have an original, hardcopy ID or passport proving it. If you wish to apply to change any of your personal details at a later stage, you should visit the Greek Asylum Service and make an application.

## 4/ First reception and medical assessment:

An initial medical screening will take place, conducted by medical staff.

You will be issued with a medical card – A4 page with photo on top right, with the same medical information in Greek and English.

### The nurse will identify physically manifest/obvious vulnerabilities – remember to inform the nurse about:

- any vulnerabilities that might not be physically obvious
- if you have been a victim of sexual violence (particularly in the past 72 hours) or are a victim of torture

If the nurse does not consider that you have a physically manifest/obvious vulnerability, you will be given a subsequent appointment to undergo a vulnerability assessment.

## 5/ Vulnerability:

There are specific categories of “vulnerability” under Greek law. These are as follows:

- Unaccompanied minors
- Persons who have a disability or suffering from an incurable or serious illness
- The elderly (over 65 years)
- Women in pregnancy or having recently given birth
- Single parents with minor children
- Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, persons with a post-traumatic disorder, in particularly survivors and relatives of victims of ship-wrecks
- Victims of trafficking in human beings.

You will undergo a vulnerability assessment:

- Physical assessment – this is scheduled by the Greek authorities
- Potentially psychological assessment – If you wish to see a psychologist, make sure you inform the doctor about this during your physical assessment. A psychological assessment will then be scheduled by the Greek authorities at a later stage.

If you are recognised as “vulnerable” following your vulnerability assessment, you will follow the “Regular” procedure. This means, in particular, that:

- Your geographical restriction will be lifted, meaning you can leave Lesbos
- Your asylum application will be assessed solely on the reasons you had to leave your country and why it is not possible for you to return to your country – it will not be necessary for you to demonstrate that you would not be safe in Turkey or that you could not access international protection there

Remember that all information you disclose during your vulnerability assessment and asylum interview is confidential.

Remember that you should disclose any potential vulnerability as early, and as fully, as possible. However, if you do not disclose your vulnerability during your vulnerability assessment, you can still disclose it later and, most importantly, you can disclose it during your asylum interview.

Remember that vulnerability is not the same as being granted international protection. Just because you have been recognised as vulnerable does not mean you will automatically be granted international protection and it is vitally important that you attend, and fully prepare for, your asylum interview.

## 6/ Asylum registration:

At this point, you need to approach the Asylum Office in order to lodge your asylum application – you will get your asylum case number, asylum card and date of interview

Your finger prints will be taken by Greek Asylum Service staff or Greek police officers

You will be asked to give brief reasons for fleeing your country of origin

**Family reunification:**

- Remember to mention if you have any close family members elsewhere in Europe who you would like to be reunited with – e.g. your husband/wife, minor children or any family member who you are dependent on. It is very important to do this during your asylum registration, or as soon as possible afterwards, in order to avoid any delays.
- Submit any documents you have proving the residence of the family member in the other member state (e.g. residence permit, proof of address) and all documents proving the family link.
- Remember to sign a written consent that you request to be reunited with your family member – mentioning your desire to reunite with the family member during asylum registration is not sufficient
- The application for family reunification (i.e. signing the written consent) must be done within three months from your asylum registration, unless your family member is in Germany – in which case the application for family reunification must be done within three months of arriving on Lesbos.

Remember to provide copies of any documents with your correct name, personal details, etc, to ensure your details are correctly recorded

All your personal documents will be returned, however if you have a passport, this will be retained by the authorities

Remember to give true and accurate person details (name, age, etc) - you cannot change these details later, unless you have an original ID or passport proving it.

Remember to listen carefully during the read-back at the end of your registration (i.e. before you confirm the information by signing the registration form). Notify the person registering you if there are any mistakes.

## 7/ Asylum interview:

**About the interview:**

- The date of your interview is stated in your asylum card
- The interview does not take place in Moria – it will be in Pagani and you will be transported there from Moria by bus
- Remember to provide all medical documents and describe all medical problems (both how you are

feeling that day and long term) – you will have the opportunity to disclose any potential vulnerabilities and it is important that you do so and give a full explanation.

- Remember to inform the case worker if you have not undergone a vulnerability assessment
- Remember to inform the case worker if you have a psychological assessment upcoming or any kind of medical appointment pending and show respective paper if available
- Remember that this is your only opportunity to tell your story - make sure you disclose everything and make sure you provide any proof/evidence relating to your claim, ideally in original, hard copy (e.g. photos, Facebook posts, articles from newspaper, professional ID (e.g. if reason for fleeing was related to your profession), letters/threats). You can also submit additional proof/evidence after the interview. The deadline for submitting additional proof/evidence is 5 days after the interview, but it may also be accepted if submitted after this deadline.

**You will be asked about:**

- your personal details
- health problems/vulnerability
- depending on your nationality and vulnerability status, you may be asked about whether Turkey is a safe country for you and whether you can access international protection there.

- the reasons you had to leave your country and why it is not possible for you to return to your country – e.g. why did you have to leave and what will happen to you if you go back? Is there somewhere else where it is safe in your country?

**You have the following rights:**

- Right to have your lawyer accompany you to your interview
- Right to have time to prepare for your interview – you can have one full day to prepare if you are not vulnerable, and at least seven days if you are vulnerable. This is particularly relevant if your interview is brought forward or your interview is scheduled at short notice.
- Right to ask for another interpreter if you have concerns with the quality of the interpreter
- Right to choose the sex of the interpreter and interviewer
- Right to choose to conduct your interview in your mother language
- Right to ask for a postponement (if you have not asked for a postponement before, this will be automatically granted. If you have postponed your interview before, you can still request another postponement if you have well-founded reasons (e.g. serious health issues that mean you cannot attend/conduct your interview – in such cases, evidence (e.g. medical note) is very helpful))
- Right to ask for a break
- Right to request a copy of the transcript/recording of your interview

**You have the following obligation:**

- Obligation to attend the interview – if you miss your interview, your case will be closed and, unless you present well-founded reasons for missing your interview, it may be difficult to re-open your case.

## 8/ Appeal:

**Information:**

- If your asylum application is rejected following your asylum interview, you have the right to appeal
- If you are assessed as vulnerable, you must lodge your appeal application within 30 days of receiving your decision. If you are not assessed as vulnerable, you must do this within 5 days
- The appeal is a written procedure. The appeal memo will be submitted to, and considered by, the Appeal's Committee in Athens. Unless specifically summoned by the Committee, there will be no further interview and your physical presence will not be needed.

**Rights:**

- Right to legal aid from the state and a free Greek lawyer to write a memo for the appeal. This memo should include arguments on why you should be granted international protection and must be filed at the latest 2 days before the examination of the appeal. Upon submitting your appeal, indicate to the Greek Asylum Service official that you want legal aid.
- Right to ask for the postponement of the examination of the appeal, if you are not granted legal aid representation (however, the Appeal's Committee is not obliged to accept your request for postponement in this scenario and your appeal may still proceed even if you are not granted legal aid representation).

**Remember:**

- To provide either the asylum service or the lawyer with any medical documents you have, especially those that might have been given to you after your interview/decision
- To provide any documents relevant to your claim to your lawyer well in advance of the date of your appeal

## 9/ If your appeal is rejected:

If your appeal is rejected you can be detained and readmitted to Turkey or deported to your country of origin, depending on whether you have been assessed as vulnerable or not

**Legal options** - if you think either of the below apply, contact a lawyer for an individual assessment of your case:

- Judicial procedure – within 60 days of receiving your appeal rejection, you have the right to lodge an annulment application before the Greek administrative courts, either through legal support of NGO (capacity limited, given the administrative fees) or through legal support of a private lawyer. There is a cost associated with the second option – you need to contact a lawyer to ask about this
- Subsequent asylum application – after 60 days of receiving your appeal rejection, you have the right to lodge a subsequent asylum application. This will only be considered if there are substantial new elements to your claim (e.g. new information regarding the region of your country of origin or previous residence, new grounds of claim, new medical documents relevant to your claim (e.g. certificate demonstrating you are a victim of torture)