

REFUGEE ON THE GREEK ISLANDS
WHAT CAN YOU DO TO HELP YOURSELF?
D e c e m b e r 2 0 1 7

I. GREECE

How to apply for international protection status on the Greek Islands

1. REGISTRATION

When you arrive on one of the Greek islands, you will be registered.

1.1 Apply for international protection.

If you fear going back to your home country or Turkey, you should directly say: “*I want to apply for asylum/international protection in Greece.*” Otherwise you can be deported back to Turkey. You cannot apply for protection in another European country on the Greek islands, unless you have close relatives (see 1.3).

1.2 Make sure that vulnerabilities are assessed correctly.

If you are vulnerable, it is important that this is recognised so that you have access to appropriate asylum procedures and living conditions. Vulnerable status applies to you if:

- you are under 18 and unaccompanied;
- you have health problems (disability and/or incurable, serious illness);
- you are elderly;
- you are a pregnant woman or recently gave birth;
- you are a single parent with minor children;
- you are a victim of torture, rape, or other serious psychological, physical, or sexual violence or exploitation;
- you suffer post-traumatic stress, particularly as a survivor or relative of a victim of shipwreck;
- you are a victim of trafficking.

1.3 In case you have close relatives in another European country, apply for family reunification.

It is important to tell the authorities if you have family in another European country. If you have a husband or wife or minor children in another European country or if you are minor (under 18 years-old) and you have relatives in another European country, you have to say: “*I want to apply for family reunification*”. It may also be possible to apply to join a family member through ‘dependency’, if you have strong reasons why one of you relies on the other.

2. INTERVIEWS

You may have multiple interviews by the authorities in which you are asked about why you left your country, and your journey to Greece.

2.1 Admissibility Check:

Questions about the reason you left Turkey

If you travelled through Turkey, in the first stage of your process the authorities may consider whether Turkey is a 'safe third country' for you.

If the authorities find Turkey to be safe for you, you will be prevented from claiming asylum in Greece, and may be returned to Turkey. Therefore, it is **extremely important to consider if ANY of the following can be shown**, as these are reasons in law why you should not be sent back to Turkey:

- *Your life and liberty will be threatened for ONE of the following five reasons: your race, religion, nationality, political opinion, or membership of a particular social group*
- *You may be deported from Turkey to your home country where you are in danger*
- *There is a risk you will suffer serious harm in Turkey, such as torture or cruel, inhuman or degrading treatment or punishment*
- *You are unable to apply for refugee status in Turkey*
- *You do not have a connection with Turkey because you either:*
 - *Spent less than 15 days there*
 - *Spent your time in Turkey isolated from people, for example, trapped in jail or a smuggler's house.*

If you are asked questions about Turkey, you should explain any reasons you feel afraid to go back to Turkey, including any violence, threats, discrimination or bad treatment you have suffered. If you have been arrested and/or imprisoned in Turkey you should talk about this. Also, explain why it was not possible for you to claim asylum in Turkey. If you have physical and/or psychological health problems, you should mention these (even if you have already done so with the Doctor - talk about them again). If you experienced any trauma (e.g. attack by officials) during your journey through Turkey and crossing the sea, talk about this too.

The authorities may be quick, or they may take several months to make a decision – it is impossible to predict how long you will wait. If you are given a decision that says Turkey is considered as safe country for you, you can appeal.

2.2 Eligibility Check:

Questions about the reason to leave your home country

If the authorities decide it is not possible to send you back to Turkey, they will consider your eligibility for international protection.

In this part of the process, the authorities will ask **your reasons for leaving your country.**

You should explain not only general conditions in your country, but the problems YOU PERSONALLY encountered, AND why you are not protected by your home state authorities (police, army, or any other powerful forces), AND why it is not safe for you in any part of your home state.

WHO CAN CLAIM ASYLUM/ INTERNATIONAL PROTECTION?

If the authorities decide in the eligibility interview(s) that it is not safe to go back to your home country, you can get a protection status and stay in Greece/ move on to the Greek mainland.

There are two types of protection you could get if your situation fits one of the following definitions and you are able to credibly explain this:

1) Refugee under Article 1(A)(2) of the 1951 Refugee Convention:

A refugee is an individual who is outside their country of nationality or habitual residence who is unable or unwilling to return due to a well-founded fear of persecution based on his or her race, religion, nationality, political opinion, or membership in a particular social group. Particular Social Group is generally understood as an identifiable group of people viewed by government as a threat. It is also often described as a group sharing a common characteristic that is so fundamental to their individual identities that the members cannot – or should not be expected to – change it. Particular social group might be based on your sexual orientation, gender, ethnic groups, social classes, family members of dissidents, occupational groups, child soldiers, members or former members of the police or military.

2) Subsidiary Protection (EU law, Directive 2004/83/EC):

In Europe, a person is eligible for subsidiary protection status means a third country national or stateless would face a real risk of suffering serious harm if s/he return to the country of origin.

Serious harm is defined as the risk of:

- *death penalty or execution;*
- *torture or inhuman or degrading treatment or punishment of an applicant in the country of origin;*
- *serious and individual threat to a civilian's life or person by reasons of indiscriminate violence in actual situations of international or internal armed conflict.*

ATTENTION! Prepare for your interview!

If possible, it is good to talk to a lawyer before your interviews so they can help prepare you. If not, there are some important things you can ensure for yourself:

1) You have a legal right to do your interview in your own language.

Ask for an interpreter and do not agree to do the interview if you face problems understanding the person who asks you questions or the interpreter. If you have any problems with communication or interpretation, it is very important you tell your interviewer.

2) You should tell the interviewer about any physical or psychological health problems you have.

3) Bring ALL papers and documents to your interview.

Collect any documents, photos, emails, Facebook posts, letters showing that YOU as individual fear persecution in your home country. This may relate to close friends or family members - if so, try to bring evidence of your relationship(s).

4) It is important to explain your fear in as much detail as possible.

Before the interview, think very carefully about the details of your story. Write a chronology of events. Try to remember places, names, dates.

5) If you cannot remember a particular detail, do not worry!

Tell your interviewer and do not guess, as any errors or contradictions in your story may count against your credibility.

6) Try to stay calm throughout.

The interview may take a long time - it could be many hours or even several days. Ask for breaks whenever you need (for toilet/ food/ water/ fresh air etc). If there is something you do not understand, ask your interviewer!

7) Check your transcript!

At the end of the interview you have a right to review the transcript (with the interpreter) and make corrections. Use this opportunity to check the interviewer has understood your account accurately.

8) Get a copy of your interview transcript!

Several days later, you can collect a copy of your transcript. This may be useful if you need to appeal later in the process.

9) If your asylum claim is rejected, you can appeal within five days!

You will not get a decision on the day. You may have to wait months or more. If, eventually, your claim for asylum is rejected, you have the right to appeal. You should do this as soon as possible (the limit is usually 5 days). You have the right to a lawyer, and you should ask for this when you file your appeal.

3. DETENTION

There are several reasons why the authorities can detain you (keep you in a prison-like facility). On Lesvos, they will detain you most probably inside Moria camp. For the registration you might be detained in the Reception and Identification Compound inside Moria camp. Afterwards, you can be detained in the pre-removal prison in Moria.

In many cases, people are only detained based on their nationality. This practice is illegal.

ATTENTION! Never sign a paper that you do not understand. You have the right for translation!

What can you do to get help?

Even if you are in detention, you have the right to get a lawyer, ask for a lawyer and for the reason of your detention!

There is a phone number you can call or write a Whatsapp message if you are detained and:

- Seriously physically or mentally harmed.
- Your asylum application has been rejected the first or the second time.
- People are taken from the detention centre to the police station for deportation.
- New people are detained with you or people are released.
- You face police violence in detention.

Be aware: The phone number is not run by lawyers and the people cannot promise to be able to help you.

The number is: **0030 694 840 7217**

When calling/writing to the phone it can be helpful to either send a picture of your white card/police paper/medical card (if existent) and/or give this information:

- Your full name
- Where are you?
- Your nationality
- Your date of birth
- Your father's + mother's name
- Your asylum status
- Your case number
- Your lawyer's name#

II. TURKEY

1.1 Before the Deportation

When your asylum application and the appeal have been rejected (second rejection), you can be detained and deported to Turkey. However, you can still get help. Here are some useful things to know:

1) Before the deportation, call the number of the arrest phone and tell your personal details for help to find a lawyer in Turkey.

Phone number of Greek Arrest Phone: +30 694 840 7217

2) Your phones will be confiscated by the police before the deportation!

Therefore learn important numbers by heart and/or write them on a small sheet of paper/ your body. Choose the number of 1. (**most important**) a **Turkish lawyer/ detention hotline**, the arrest phone or family member/friend.

Phone number of Turkish detention hotline:

+90 507 218 6285 or +90 212 292 4830

3) Try to take cash money and/or an international phone card with you! You will be most likely immediately detained in Turkey and only be able to use a Turkish pay phone. (For Syrians the chance is higher not to be detained.)

4) Try to take a pen and paper with you to be able to apply for international protection or to be able to ask for a lawyer in a written form.

1.2 After the deportation

1) You have the right to apply for a protection status.

- Even though there is a deportation order and you are in a removal centre, you can apply for asylum. Ask to apply for protection from the moment you arrive in Turkey. Use the keyword “**multeci**” (refugee) if the authorities only speak Turkish.
- If possible also hand in a written request. It should contain: Name, country, date of birth and why you cannot go back. You can write it in your language. Hand the petition to the authorities. They must take your petition and register it. IF THEY DO NOT, it means the authorities are abusing their power and you should get in touch with a lawyer where you can make a complaint.
- For non-Syrians: Only very few vulnerable people are granted a protection status. If you don't make a case in Turkey, this will hasten your return to your home country – in some cases you might be detained there.
- You have the right to appeal against your deportation within the first 15 days after your arrival in Turkey.

2) You have the right to get a lawyer.

Ask for a lawyer. It is helpful if you have the lawyer's name and phone number and can call him/her from the pay phone. You might be asked to hand in a formally correct written request for a lawyer, ask for the correct form to write it and for paper and pen. It needs to contain for sure your name and the name of your lawyer and the request “I want to see my lawyer”. Your lawyer must be from the bar association of the city you are in. It is best to contact the NGOS [such as the Turkish detention hotline +90 507 218 6285 or +90 212 292 4830] who have translators and will connect you with the appropriate lawyer.

Tell the lawyer your personal information. For visiting you, the lawyer might have to know:

- *your full name*
- *your parent's names*
- *your date of birth*
- *your country*
- *your language*
- *your place of detention*

1.3 Asylum procedure

There are 4 possibilities how your asylum request can be processed:

- 1) fast-track processing within a few days, after which you may be given a positive decision and transferred to a city to register there at the migration office in 15 days.
- 2) or (more likely) it will be rejected, in which case you have 15 days to prepare an appeal with a lawyer therefore you need new arguments and evidence.
- 3) If it is considered inadmissible, you will not even be interviewed and simply put into deportation procedure but again you can appeal with a lawyer.
- 4) Some few people are released without a decision either way as an applicant – again, you officially are supposed to register in the city you are assigned to at the migration office within 15 days, otherwise you will once again be an irregular migrant in Turkey.

1.4 Detention

- You cannot be legally detained more than 12 months. You have to insist to be released after 12 months of detention!

- In some few cases, you might be able to wait out this period without giving any info and be released back into Turkey, but more likely you will be deported from Turkey to your country of origin.

- Even after your release you might have to regularly present yourself at the migration office and receive updates on your ongoing deportation process.

- You have the right to appeal against the detention in any moment.

ATTENTION! Do not sign any papers you do not understand.

Translation is your right.