



Information to help you to prepare for the interview about whether Turkey is a safe country for you.

Most of this information is already included in 'How to Write Your Asylum Claim Statement' so if you have written your statement this should be a timely reminder for the actual Interview.

This information is intended for asylum seekers on the Greek islands, in the 'Fast Track asylum procedures' or 'Hotspots system'. It does not all apply directly to asylum seekers on the Greek mainland in the ordinary asylum procedures. This version was last updated September 2017.

This interview overall is about whether Greece or another country is responsible for examining your application. Unless family reunification or vulnerability apply to you, the questions will be mainly about whether Turkey is a safe country for you. If Turkey is found to be a safe country for you (and if vulnerability and family reunification do not apply to you), then you will be returned to Turkey.

**'Asylum' means international protection.**

Wherever you apply for asylum in the EU, you will have to go through similar procedures.

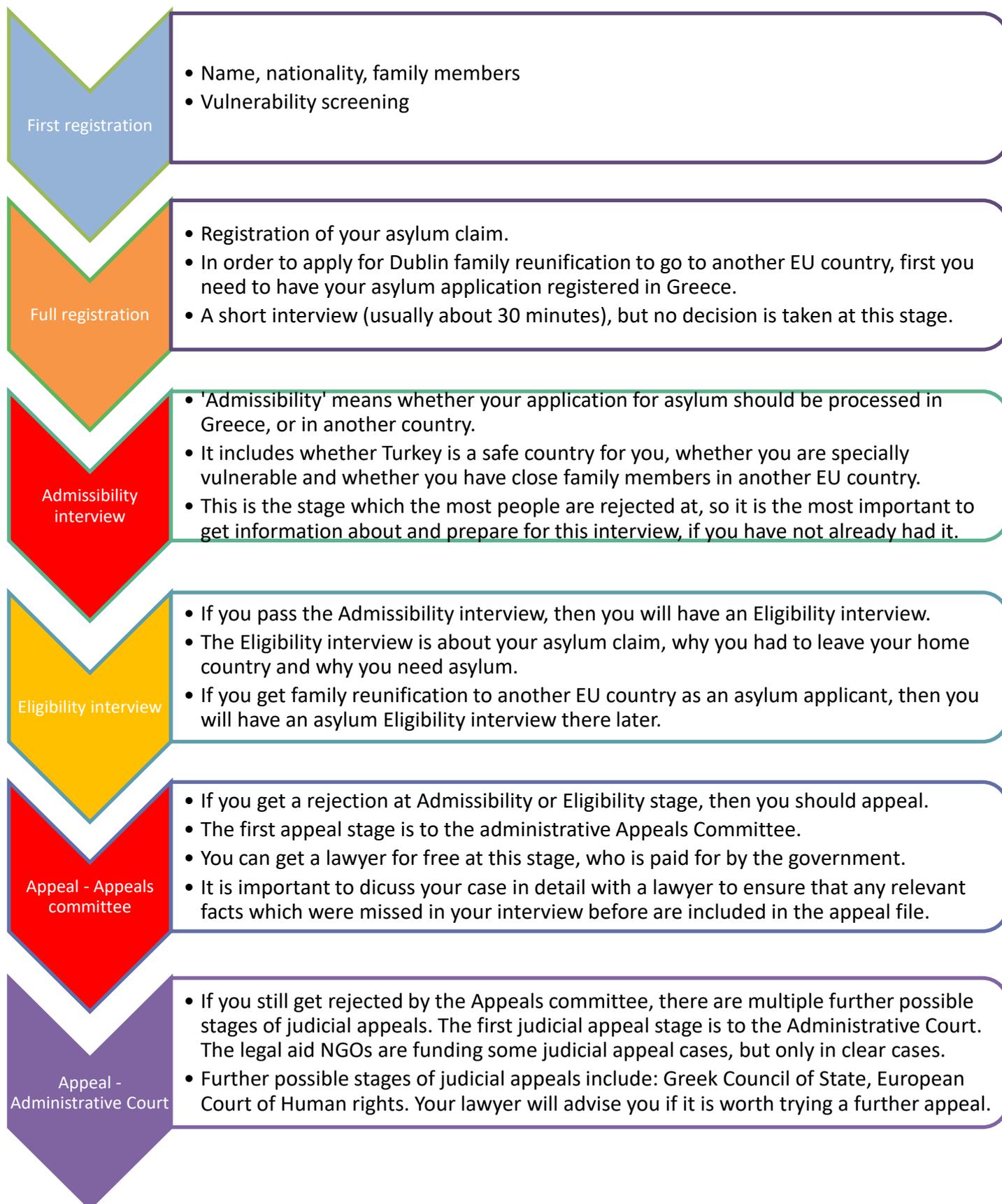
**What stage of the procedures are you at?**

## **FLOWCHARTS**

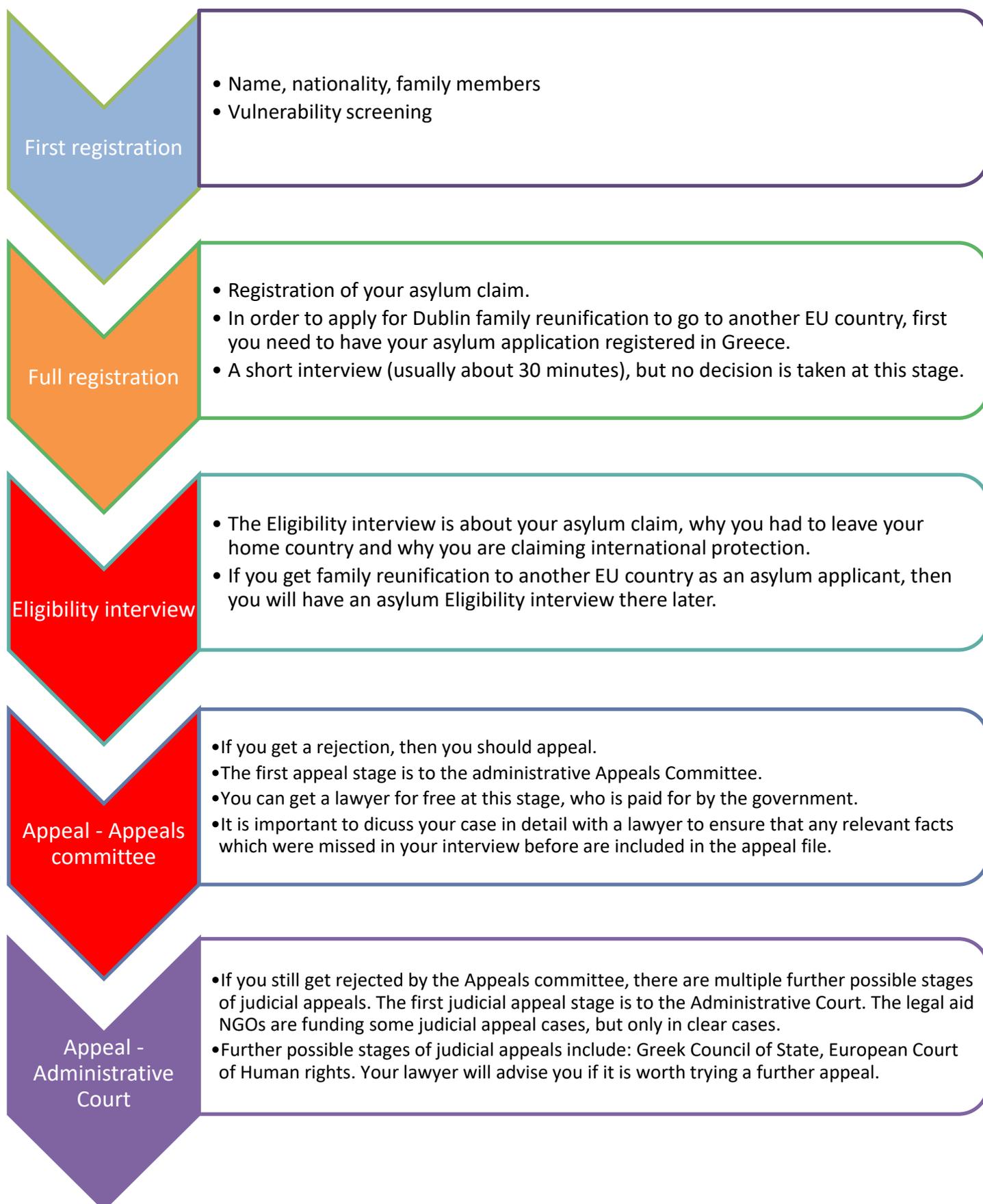
There are flowcharts on the next page to indicate the asylum procedures which apply to people on the Greek islands now. The main point of the flowchart is to show you where the information in this guide fits into the overall system, and that it is about one part of the procedures not the whole.



## Syrians, Afghans, Iraqis & other people from countries with high recognition rates for needing asylum:



## Pakistanis, Moroccans, & people from other countries with low recognition rates for needing asylum:



## **When you go to any interview, ask what kind of interview it is and what it is about.**

If you have a reason to be classified as vulnerable or if you think you may have a case for family reunification, bring any documents which might be relevant to this and tell the interviewers, at any stage of the procedures. 'Vulnerability' is defined in Greek law as:

- "a. Unaccompanied minors,
- b. handicapped persons or suffering an uncured or serious illness,
- c. elderly persons,
- d. pregnant women or who have recently given birth,
- e. single parent families with children under 18 years old,
- f. victims of torture, rape or other kinds of psychological, physical or sexual assault or exploitation, persons with post traumatic syndromes, especially survivors or relatives of victims of shipwrecks,
- g. victims of human slavery or trafficking."

Family [reunification](#) is limited to spouses and parents and children who are under 18 have the right to be reunified, and other relatives if they are dependant for some reason- due to age (children under 18 and elderly people over 65), illness or disability, and another family member is needed as a carer, can also apply for family reunification.

If you are accepted as vulnerable or for family reunification, you will not be returned to Turkey.

## **Interview to decide whether Turkey is a safe country for you**

("admissibility interview")

This interview overall is about where your application should be processed, but the rest of this self-help guide is about whether Turkey is a safe country for you.

You may be asked questions about what happened to you in Turkey and what happened to you in your country of origin that made you have to escape, but this kind of interview will only decide whether your application for asylum is the responsibility of Greece, another EU country (if you have a valid family reunification claim), or Turkey.

## **The legal criteria behind the sorts of questions you will be asked about why you left Turkey**

Some of the reasons which are legally relevant to your case for why you should not be sent back to Turkey are obvious and intuitive, but some are not. So please pay close attention to the legal criteria that define what is relevant and not relevant as a reason for you not to be sent back to Turkey, and think through what happened to you carefully and thoroughly before your interview.

It is important to notice what kinds of reasons you do not want to be sent back to Turkey are relevant and not relevant.

It is not enough to say that you feel afraid, you also have to explain specific things that happened to you which show why your fear of returning to Turkey has good reasons.

Since you probably do not have complete documentation, photographs or independent reports to prove your case, your most valuable asset is your credibility, so do not risk it. It would be very unwise to try to add any elements to your story which are not absolutely true or to try to embellish your story. The interviewers are highly trained and experienced in interviewing. They may ask you to go over parts of your story repeatedly, maybe starting from different points in your story. If you are lying or adding bits to your story to try make it sound better which are not true, you will risk damaging your perceived credibility overall. If you have genuine reasons it would really not help you to do or say anything which risks your perceived credibility with the interviewers.

The following version of the legal criteria behind the sorts of questions you will be asked in order to decide whether Turkey is a safe country for you is **is not a verbatim copy** but is very closely based on Greek and EU law, with some technical words replaced with some more common words or explained with their standard legal definitions from other legal texts. Some terms are explained more fully below.

For the authorities to apply the safe third country concept to your case:

38(1)a There must be no threat to your life or liberty on account of your race, religion, nationality, membership of a particular social group or political opinion [meaning that there is no reason for you to fear persecution in Turkey];

38(1)b There must be no reason for you to fear serious harm, which means:

- i) the death penalty or execution; or
- ii) torture or inhuman or degrading treatment or punishment; or
- iii) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

38(1)c There must be no risk of involuntary return or expulsion by any means whatsoever to your country of origin, [without the State authorities in Turkey having first fully lawfully examined your application for international protection and decided it is unfounded].

38(1)d There must be no risk of return or expulsion to any country or area where there would be a risk of serious harm to you.

38(1)e The possibility must exist to request Refugee Status in Turkey; and, if found to be a refugee, for you to receive protection [that is fully] in accordance with the Geneva Convention[, including rights to legal employment and to public healthcare and education, to the same extent as nationals of that country].

38(2)a There must be a sufficient connection between you and the Turkey which makes it reasonable for you to go back to that country and live there safely.

38(2)b The State must consider whether Turkey is a Safe Third Country for you individually, as well as whether Turkey is a safe country for asylum seekers in general;

38(2)c You must be allowed to challenge the existence of a connection between you and Turkey.

If you previously lived in Turkey, that does not necessarily mean that the 'first country of asylum' concept (described below) applies to you unless you received a legal protection status.

Also if you received a legal protection status in Turkey but you did not then in practice receive all the rights that refugee status should entail according to EU law, that means the first country of asylum status does not apply to you.

For the authorities to apply the first country of asylum concept to your case:

35(a) You were legally recognised as having Refugee Status and you can still avail yourself of that protection; **or**

35(b) You had sufficient protection (Temporary Protection Status in Turkey would count here if it was fully applied in practice);

35(b)i You were not at risk of involuntary return or expulsion to any country or area where you have reason to fear persecution or serious harm; **and**

35(b)ii Turkey has agreed to readmit you;

35(b)iii You must be allowed to challenge the application of the first country of asylum concept to your particular individual circumstances;

35b(iv) The State “may” take into account the additional factors in the definition of Safe Third Country.

Notice that 35b(iv) refers back to the previous definition of a ‘safe third country’, so if this latter definition applies to you then you should look closely at both definitions.

### Explanation and examples for each legal factor

There are **five categories of reasons** which are legally relevant to explaining why you should not be returned to Turkey:

- Reasons you may fear persecution in Turkey because of your race, religion, membership of a particular social group or political opinion.
  - *Examples - these are not the only possible reasons, only examples!*
    - If you are Kurdish or Palestinian and you have personally experienced, or seen or heard about other Kurdish or Palestinian people, in Turkey being killed, arbitrarily detained or seriously mistreated because of their nationality/ ethnicity.
    - If you are LGBTI (lesbian, gay, bisexual, transgender or intersexed) and you have experienced in Turkey, or seen or heard of other LGBTI people in Turkey, being persecuted.
    - If you are of a different religious group, or Turkish authorities assumed you were or attributed it to you, and as a result they persecuted you or in practice refused to protect you from non-state actors persecuting you.
  - If so, you can talk about what happened to you or what you saw or heard happened to other people like you in as much detail as you can truthfully in the interview.
- Reasons you may fear serious harm if you were returned to Turkey.
  - ‘Serious harm’ includes:
    - a risk of the death penalty or execution
    - arbitrary detention, being detained without you having committed any act which would be recognised as a crime in European law, or disproportionately and unlawfully; or
    - torture or inhuman or degrading treatment or punishment; or
    - a realistic risk to your life or person (including rape) because of indiscriminate violence in situations of international or internal armed conflict; or
    - a risk of serious exploitation in illegal work or detention, i.e. human trafficking or slavery.

- Reasons you may fear being forced to return to your country of origin, or to another country you transited where you would not be safe now, if you were returned to Turkey
  - *Examples*
    - If you experienced Turkish border guards forcing you back across the Turkish-Syrian or Turkish-Iraqi or Turkish-Iranian border before when you were trying to enter in order to claim international protection.
    - If you know of another asylum seeker who was deceived or forced into returning to their country of origin from Turkey, so you believe the same would happen to you.
    - If you heard or read about asylum seekers in Turkey being deceived or forced into returning to their countries of origin or any country where they would not be safe.
  
- Reasons you may believe that if you were returned to Turkey that you would not really be allowed to register or apply for an International Protection or Temporary Protection status (asylum) in Turkey, or that if you did the protection provided by Turkey would not effectively guarantee all your rights as a refugee.
  - If you were shot at, beaten, robbed, etc. by Turkish border guards, to try to prevent you from entering Turkey when you clearly needed international protection (also relevant to risk of forcible return or expulsion to your country of origin, in the factor above).
  - If you tried before to register for Temporary Protection status in Turkey and you were refused.
    - If you met or heard of other asylum seekers who tried to register for Temporary Protection status in Turkey and they were refused.
    - If you heard of or read of or saw other asylum seekers in Turkey who were not allowed to register for Temporary Protection status in Turkey and were arbitrarily detained, mistreated or expelled to their country of origin or a transit country.
  - If you registered for and received Temporary Protection status in Turkey but you were not in fact allowed to access public healthcare, public education and lawful employment in the same way as Turkish nationals, or you experienced other serious discrimination or mistreatment by State authorities or by non-State actors which State authorities were unable or unwilling to protect you from.
  
- Reasons you may say you have no real connection to Turkey
  - If you had no legal permit to enter or remain in Turkish territory.
  - If you had no legal permit to work in Turkey
  - If you have no family who would support you if you returned to Turkey.
  - If you entered Turkey only in order to reach Europe.

**Suggested questions** to help you to think through how what happened to you and how it compares with or matches the legal criteria for a safe third country or a first country of asylum and to help you to work out which parts of your story are most legally relevant and

important to talk about in more detail in the interview:

- What happened to you when you were in Turkey?
  - Did you have a legal permit to enter the territory?
  - Were you physically attacked at the border?
  - Did you see or hear other refugees being attacked?
  - Were you arrested or detained for entering Turkey illegally when you entered in order to claim international protection, if so what happened? How long were you detained? Were you mistreated in detention?
  - How long did you stay in Turkey?
  - Where did you stay?
  - Did you try to register to apply for Temporary Protection in Turkey?
    - if so what happened?
    - if not, why not? Did you see or hear someone else who tried to and was refused?
    - If yes, did you try to access public healthcare, education, or lawful employment?
  - If you worked illegally, were you exploited or mistreated at work?
    - Were you paid far less than than Turkish workers or other Syrian workers in a similar job? How much?
    - Were you forced to work longer than normal hours or not allowed to leave the accommodation provided by your employer? Was your employer connected to the people who arranged your journey to Greece?
  - How did you arrange to enter Greece?
    - with whom?
    - how much did it cost?
    - what happened?
    - how many attempts to cross the border?
    - shipwrecked, rescued from the water or experienced other serious distress at sea?
    - Did the people who arranged your travel in or out of Turkey also force you to work for no pay or extremely little pay, or force you to have sex with them or anyone else, or in any other way seriously exploit or mistreat you? Do you think you would be at risk of such exploitation or mistreatment by them again if you returned to Turkey?
  - What do you think would happen to you if you returned to Turkey?
    - Do you know people who had to return there and were for example deported in their country of origin?
    - Are you still in touch with them?
    - If they experienced treatment contrary to the legal definitions of a safe country or country of asylum, ask them for a written statement of what happened to them and take a copy of that to your interview.

**Your procedural rights before, during & after interviews**

- If you think you are not adequately prepared and you want more time to seek legal assistance before either an admissibility or a substantive interview, you have the right to ask for an additional time to prepare of up to 7 days.
- You have the right to request to meet a doctor, a social worker or a psychological counsellor and ask for them to be present in your interview if you believe you need one.
- You have the right to a competent interpreter. If you have reason to suspect that your interpreter is not translating accurately or completely everything you say, make sure the interviewer knows this.
- If you are a woman and you prefer to have a woman interviewer and interpreter, you can. If you are a man and you have a serious reason to ask for a male interviewer and interpreter, you can.
- At the end of the interview you can read through your statement before you sign it and have the right to a copy of the statement if you request it. If you need the interpreter to translate back to you the transcript or notes from your interview in order to check that it is accurate and complete, you have the right for this.

#### **If you have difficulties remembering or talking about what happened to you**

- If you feel so distressed about some of the things which happened to you that you find it hard to remember details about events coherently or talk about them, tell the interviewers this, as they should take it into account while they assess your credibility.
- If you read from a written statement in your interview it could make the interviewers doubt your credibility, but if you want to make some notes to remind you which events you want to talk about, especially if it is because you sometimes have difficulty remembering traumatic memories, the interviewers should not question your credibility because of this, especially if you tell them why.
- The interviews can be very long- 2-4 hours, so if you need a short break, you can ask and they usually allow it.

#### **Appeals**

- If you receive a rejection decision after the interview, you can appeal against the decision.
- You only have 5 days including holidays to register an appeal.
- How to appeal
  - in writing on a form
  - at the Asylum Service office (usually this is in the Hotspot centre)
  - You should write at least some reasons for your appeal - try to mention the most legally relevant and important reasons for your appeal, as far as you understand.
  - You can ask to attend your hearing with the Appeals Authority committee, and this would enable you to bring a Greek lawyer with you to assist and represent you.
- You can register your own appeal or you can get a lawyer to register your appeal for you.

- You can represent yourself at the appeal hearing, but you also have the right to have a lawyer to help and represent you at this stage.
- At this appeal stage, you have the right to get a lawyer paid for by the Greek government if you cannot afford it.
- If government funded legal aid is not yet available in practice, tell us and we will try to connect you with a Greek lawyer.

As far as we know so far, the EASO interviewers are taking the interviews objectively and impartially, and applying the law as it stands. You should not be excessively worried about going to the interview if you have good reasons that are legally relevant to why you should not be sent back to Turkey, but do prepare yourself by thinking through the example questions above or talking to someone who understands the law about how your story fits the legal criteria.

The information above was prepared by a non-lawyer and then checked by an asylum lawyer. It is intended as general information about the legal criteria behind the interview questions and some general questions to prompt you to recognise which parts of what happened to you might be relevant to the criteria behind the interview questions. If you are unsure whether something *might* be legally relevant, it is better to include it when you speak to the interviewers as they should ask you more questions about it if it is. The volunteer legal information team does not always have a lawyer in. You can discuss your story with anyone you choose to, but you should be aware that most of the volunteers are not lawyers so you should evaluate the information you receive accordingly. If you think you need legal advice or assistance from a lawyer, there are now a few lawyers available for you for free working with Metadrasi, UNHCR Protection and EASO.

A link to legal aid and support available is here:

[http://refucomm.com/infopacks/greece-mainland/living-in-greece/legal-help/en/greece-mainland\\_living-in-greece\\_legal-help\\_EN.pdf](http://refucomm.com/infopacks/greece-mainland/living-in-greece/legal-help/en/greece-mainland_living-in-greece_legal-help_EN.pdf)

For a film version of this document please see [here](#)

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