



The EU Turkey deal and arrival on the Islands after 20th March 2016.

Overview

The EU-Turkey Statement of 18 March 2016 was a press statement issued by the European Council of heads of state and of government; **it is not legislation** nor even a formal proposal for new legislation.



Therefore, it cannot change EU law nor can it change your rights, only the procedures.

The main problem with the EU-Turkey deal from a human rights perspective is that it relies on the false designation of Turkey as generally a **safe third** country for asylum seekers and refugees, which is **against all the factual evidence, is not lawful** according to EU law (particularly articles 35 and 38 of the Asylum Procedures Directive 2013), and was **condemned by 176 international human rights organisations**.¹

However, the procedures are in place as per the EU-Turkey Statement, and we must continue to prepare as well as possible and then hope that each case will be considered on an individual basis.

¹ <https://www.fidh.org/en/international-advocacy/european-union/resolution-on-migrant-s-rights-in-the-european-union>

Common Questions and answers.



Q. “I have arrived on a Greek Island from Turkey, what will happen to me?”

A. Initially you will be **detained** in order to verify and register your identity and nationality decide upon how to proceed with your asylum claim according to current asylum procedures in Greece.

Although you may have been hiding from police and official authorities in order to get into Europe to seek asylum, now it is clearly in your best interests to **register your asylum claim at the earliest possible opportunity.**

In the first few hours after your arrival, Frontex usually conducts a debriefing interview with you. This interview is for Frontex to gather information about smugglers, their routes and networks.

You will then be transferred to a **closed detention centre**, also known officially as a **Reception and Identification Centre (RIC)** also as known as a **‘hotspot’**. There are 5 of these reception / detention centres on the Greek islands of Lesbos, Samos, Chios, Kos and Leros.

Q.” What happens in Detention?”

A. First, you will be subjected to **“nationality screening”** and fingerprinting to record your identity and **first point of entry into the EU** in the Eurodac database.

This nationality screening will be carried out by Frontex and the police. If you do not have documents to prove your nationality you will be asked a set of questions on language, geography, history, and customs in your country to determine whether what you claim about your nationality is true.



Children under 14 are not fingerprinted.

“What happens next?”

A. The next step is the ‘reception and identification procedure’ by the Reception and Identification Service.

This procedure includes:

- Registration of your name, age and gender.
- Data verification
- Medical screening
- Age verification
- Your intention to claim asylum should be recorded at this stage.
- Family members travelling together whose cases should be joined should be identified at this stage.
- Vulnerable cases are identified at this stage.
- **If you are a minor (under 18, it is extremely important to ensure that your age is correctly recorded.**
- At this stage your nationality will be checked, it is really important to ensure that your nationality is recorded correctly on your documentation.

Be sure to check that the information about you that the authorities are writing down during registration is accurate and complete, and don't sign anything you don't understand.

If you are a minor (under 18), it is extremely important to ensure that your age is correctly recorded and insist on getting it right on your first registration papers, as it is nearly impossible to correct it later.

If your personal details are registered incorrectly at first it can delay your application or cause a lot of trouble for you later, so make sure you check and ask for an interpreter if you need one.



Interpreters must be made available. Do not accept the registration appointment if it is conducted in a language you do not fully understand.

You should be given your police issued registration papers during this procedure. Do not lose your papers. Make copies by taking pictures on your mobile phone and send them to yourself so that they're saved online and you can retrieve them even if your phone was lost.

Q. “Why am I being held in a closed detention Centre?”

A. Following a deal made between the EU and Turkey, a new procedure has been designed for situations where there are large numbers of refugee arrivals to help the authorities to:

1. Identify and return those who do not claim asylum.
2. Examine whether you should be readmitted (forcibly returned) to Turkey if you had or could have got sufficient protection there.
3. Decide whether your asylum claim will be heard in Greece under the normal asylum procedure or the accelerated procedure.

Q. “Do I have to stay in detention?”

A. Under Greek and international law, all detainees, including irregular migrants and asylum seekers, **must be informed in a language they understand of the reasons for their detention and their rights, including the right to challenge their detention and the right to legal aid.**

You have the right to submit a complaint against the decision for your detention before the President or the competent Judge of the Administrative Court of First Instance of the Region where you are detained.

Some of the grounds for detention are:

- To determine the applicant’s identity or nationality
- Where the applicant presents a threat to national security or public order
- Where detention is deemed necessary for the rapid and complete examination of the asylum application (accelerated or fast track procedure).
- To stop you from absconding.

Q. “How long will I need to stay in the reception centre (detention)?”

A. The length of stay in detention depends upon many factors.

Detention can be long due to the number of people on the islands, delays in registration and a lack of accommodation outside the reception (detention) centres.

Detention may last from 45 days to 18 months depending on the reason for your detention.

If you submitted an asylum application while being detained for committing a criminal offence, you will remain in detention.

- **Vulnerable people should not be held in detention** and certainly not for prolonged periods of time, however, in practice, vulnerable people are often held for longer than acceptable periods due to lack of better accommodation and resources. This includes the detention of unaccompanied minors, who may be held in detention while waiting for transfer to a minor’s facility.
- If it is necessary for minors to be held in detention they should be separated from adults.

- You have the right to be informed of the procedures, in your own language at all times. Please insist if this does not happen.
- Women should be segregated from men by law.
- Pregnant women and women who had a child in the previous 3 months should NOT be held in detention.
- Medical care should be provided by law.
- Legal information on the procedure should be available if you request it. Legal representation at the appeal stage should be provided by law.

Q. “When should I say that I am vulnerable”?

A. If you consider yourself especially vulnerable, **make sure** you mention it at the earliest possible opportunity during registration procedures.

If you have any documented evidence of physical or psychological illness, please present them to the authorities. Make sure you keep copies.

Q. “Who is considered vulnerable”?

A.

- Unaccompanied minors
- handicapped persons or people suffering an uncured or serious illness
- Elderly persons (over 65)
- Pregnant women or women who have recently given birth (in the last 3 months)
- Single parent families with children under 18 years old
- 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
- Victims of human slavery or trafficking

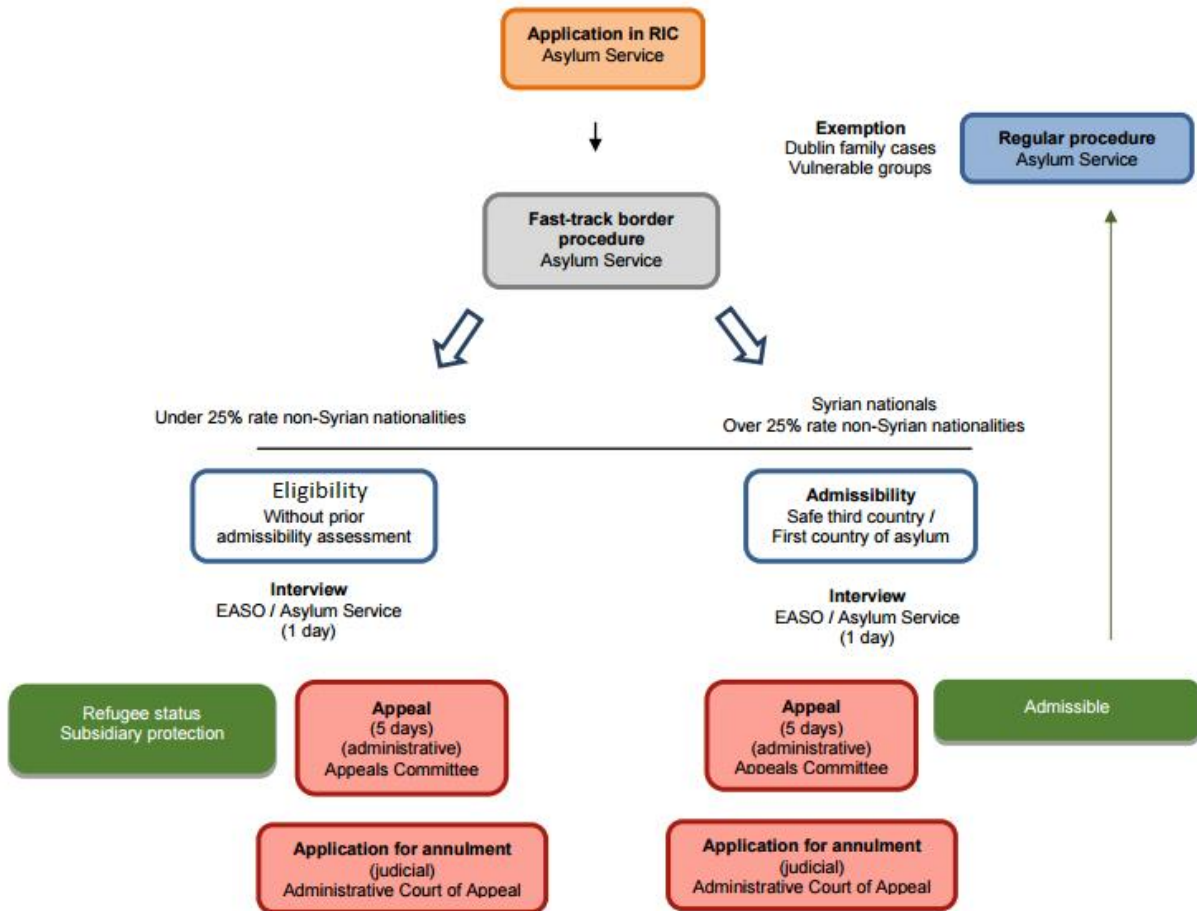
In ambiguous cases, EASO may ask their own vulnerability assessment expert to assess your needs or to verify your vulnerability. You can also ask Medicin Sans Frontier, Advocates, psychologists etc. for assessments and evaluations.

It is at the stage of registration, you should also first mention that you wish to be reunited with a family member (spouse or a child under 18) who is residing in Greece or in another European country (family reunification).

Q. “What happens then”?

A. Everyone will eventually have an **interview**, but the type of interview depends on your country of origin, what your legal status was in Turkey, whether you have family elsewhere in Europe and whether you may be vulnerable.

1.2. Fast-track border procedure: Applications on the Eastern Aegean islands subject to the EU-Turkey statement



The procedure is also outlined in a flowchart published by the Asylum Service: <http://bit.ly/2nqVrPi>.

Flowchart Source: Greek Council for Refugees May 2017.

- 1. Syrians and non Syrians** with an asylum acceptance rate of **above 25%** will have an **admissibility interview**, which will mainly examine whether Turkey is a safe third country for you. Since June 2016, the authorities have sometimes been following the admissibility interview with the eligibility interview on the same day. This means that you should prepare to be interviewed twice. The first interview (admissibility) will require you to answer questions mostly relating to whether Turkey is a safe country for you, and, if your claim is accepted as admissible, then the second (eligibility) interview will require you to answer questions about what happened to you in your home country and why you need international protection.
- 2. For people who are non-Syrians and from countries of origin with an acceptance rate below 25%** you will directly be asked questions to determine your eligibility for protection in Greece. A link to how to prepare for your eligibility interview is below and on our website at **www.refucomm.org**.

More information and links about these two types of interviews can be found below and on our website at **www.refucomm.org**.

Reminder – people who are identified as vulnerable and Dublin III family reunification cases are currently NOT subject to accelerated border procedures.

Vulnerable Cases will be examined under the Regular Procedure

Vulnerable people are currently exempt from accelerated border procedures. Instead they are subject to the regular procedure which means that vulnerable cases are automatically admissible in Greece, and will not be returned to Turkey. This could change in the future.

Dublin Procedure for Family Reunification

Family reunification cases

When you are a fully registered asylum seeker in Greece and you have a close family member legally residing in another EU country, then your application will automatically be transferred to that country, under the Dublin III Regulation. Currently, Dublin family reunification cases are considered 'admissible' (without considering whether Turkey could be a safe third country in these cases), but that may change soon. Family reunification unfortunately only applies for very close family members- spouses and parents with children under 18, unless one of the family is especially vulnerable and needs another more distantly related family member to care for them.

If you have an asylum claim and a close family member in another EU country, then the other country is responsible for examining your asylum application, not Greece, and you will be transferred there to complete the asylum procedures. GAS should recognise when you have a Dublin family reunification case and refer your case to the relevant country, but beware,

there is a **three month deadline** from when your case is fully registered in Greece, after which Greece automatically becomes responsible for examining your application and you cannot get family reunification to another European country by the Dublin procedure. You may still be able to get family reunification later by a different legal procedure, but that is much slower and more difficult, so please if you may be eligible for Dublin family reunification make sure that GAS recognise that you have close family in another EU country and apply for a Dublin transfer within 3 months.

For more information about family reunification see [here](#):

EVERYONE HAS THE RIGHT TO ASK FOR ASYLUM REGARDLESS OF THEIR COUNTRY OF ORIGIN.

Q. “If I get a negative decision on admissibility or eligibility am I allowed to appeal?”

A. If you receive a rejection decision, you should appeal. To register an appeal, go to the Regional Asylum Office which delivered the decision to you and fill out an appeal form. If you are in detention, you can ask for a lawyer to help you to lodge your appeal.

You are entitled to free legal aid at appeal stage and the Greek asylum Service or EASO should have a list of lawyers for you to consult. There is also a list of support agencies with lawyers [here](#):

Since the deadlines can be extremely short (5 days) and because legal aid lawyers are too few in Greece, you may find it difficult to find a lawyer to assist you with your appeal immediately. If you cannot find a lawyer, **do not delay**, it is advisable to register your own appeal as soon as possible after you receive the notification and then urgently seek an experienced asylum lawyer to assist you.

You should include at least some relevant reasons for your appeal on the form, if you decide to register your appeal by yourself before seeking a lawyer's assistance with it.

The grounds of your appeal may be that there are serious reasons to doubt the thoroughness or impartiality of your interview at first instance/admissibility, or if you had difficulties with the interpreter provided, or if you realised later that the statement recorded on your behalf was not complete, or if you have significant fresh evidence to add to your claim. Or, if you have any new serious evidence to support your application- for example if you have obtained copies of documents or photographs which may help to prove your claim.

You should be informed, by law, of the date, location for your appeal, as well your rights in a language you understand.

During the examination of your appeal, you can explicitly withdraw it at any time if you wish. It is not recommended to do this unless you have first consulted an asylum lawyer and you have considered all the implications and consequences for you thoroughly.

You have the right to be provided with legal information free of charge on the procedures concerning your own case, if you request it. In practice in many areas this is not available yet, but you should know you have this right and keep on requesting it.

Q. Will I be allowed to leave and go to the Greek mainland?

A. In general, you are required to stay on the Island and to **not leave the island** without special permission. If you do go to the mainland you will unfortunately be considered to be there 'illegally' **AND** you will not be able to register on the mainland which means you will not have access to the asylum, relocation or reunification processes or access to health, education or cash benefits **AND** you could be arrested and returned to the Island.

However, special permission may be granted to some people for various reasons, for example, vulnerable cases, unaccompanied minors moving to mainland accommodation, people given special leave to attend interviews or hospitals on the mainland, eligible family reunification under Dublin III cases. In order to leave, you **must** obtain special papers which say, 'suspension of deportation decision without geographical restriction' or 'revocation of deportation' papers. Make sure you also take your asylum seekers card.

If you have a geographic restriction on your registration paper or card, you are obliged stay on the Island.



Preparing for your interview

While you are waiting for your asylum interview, it is essential to spend your time proactively seeking legal information and assistance and preparing for your interview.

For information how to prepare for the admissibility interview please go to:

http://wp.refucomm.com/infopacks/greek-islands/admissibility/self-help-information/en/greece-islands_admissibility_self-help-information_EN.pdf

If you arrived on an island, had an admissibility interview and your claim is considered admissible then next you shall have a substantive or eligibility interview for asylum in Greece.

This guide will also help you to prepare for the regular eligibility interview

Information on how to prepare for the eligibility interview is here:

http://refucomm.com/infopacks/greece-mainland/preparing-for-your-asylum-interview/preparing-for-your-asylum-interview/en/greece-mainland_preparing-for-your-asylum-interview_preparing-for-your-asylum-interview_EN.pdf

[There is also a simple animation to explain the processes in 8 languages here:](#)

You can help yourself to prepare for your interview by writing some things down using our guide :

http://refucomm.com/infopacks/greece-mainland/preparing-for-your-asylum-interview/written-statements/en/greece-mainland_preparing-for-your-asylum-interview_written-statements_EN.pdf

You *can* hand in your written statement at your interview. GAS have not asked people to do this, but you have the right to submit any form of evidence that you think supports your claims. If you decide to hand in a written statement, hand it in at the very beginning of the interview, so that the interviewer can ask you questions about it. Do not read from your statement or notes in the interview, because that could be perceived as negative for your credibility.

Establishing your credibility is most important, so try to relax and answer all the questions spontaneously and openly. Telling your story in the most specific and detailed way possible is also important for establishing your credibility. Remember the 5 questions: What? When? Where? Who? Why? For each reason for your asylum claim and for each event or example of an event which shows why you fear persecution or serious harm for that reason, you should tell the interviewer exactly what happened, when, where, who did what to whom, and why you think they did that to you, to a relative or friend or someone like you, and why that makes you afraid.

Try to look the interviewer in the eyes as much as you would in a normal relaxed conversation with someone you trust. Even if you don't actually feel like you trust the interviewer, it can help you to be perceived as credible if you speak and act as though you do trust them.

You should be prepared to tell the interviewer everything in your case that might be relevant to the admissibility and eligibility criteria *even if they do not ask you all the relevant questions*. It is *your* interview and *your opportunity* to tell them everything about why you need international protection. You should have as much time as you need, and some people's interviews carry on for more than one day. The more factual details and supporting evidence relevant to the criteria you tell or show them the better your chances of being accepted.

MAKE INTERVIEW PREPARATION YOUR PRIORITY ABOVE ANYTHING ELSE.

Q. “What if I want to return to my own country?”

A. Some nationalities can choose to return to their own country or return to Turkey voluntarily. Please think carefully before asking for this as your request for voluntary return or repatriation.

If you just feel despairing about the slowness of the asylum procedures in Greece or the bad conditions in the reception centres, please consider your options also in the very long-term. Reception conditions and asylum procedures are very bad in Greece now, but that fact does not mean that reception conditions and asylum procedures in Turkey are actually better or not even worse. If you have received a rejection at the admissibility stage, please do not despair or think about returning to Turkey until you have registered an appeal and got legal assistance with it. If you have thought about it carefully and you are still determined to ask for voluntary return or repatriation, then ask to speak to the IOM to arrange it. Details on voluntary returns here:

http://refucomm.com/infopacks/greece-mainland/assisted-voluntary-returns/overview/multilingual/greece-mainland_assisted-voluntary-returns_overview_MULTILINGUAL.pdf

Please think very carefully and seek more information about the options for you in the very long-term before choosing voluntary return.

Here you can find a document written for Syrians about what to consider before deciding whether to return to Turkey.

http://refucomm.com/infopacks/greek-islands/assisted-voluntary-returns/what-happens-to-syrians-when-they-are-returned-to-turkey/en/greek-islands_assisted-voluntary-returns_what-happens-to-syrians-when-they-are-returned-to-turkey_EN.pdf

Q. “I am being forced to return to my country/to Turkey, where can I report this?”

A. Returnwatch is an organisation that collects information about deportations and forced returns in order to hold the authorities accountable, Please see the link here:

<https://returnwatch.org/>

You can also speak to our friends at [Advocates Abroad](#).

Q. “Who can I talk to on the Islands about the procedures?”

Each island and region of Greece should have an official Protection Working Group convened by UNHCR and one NGO in each area has been appointed and funded to be the primary legal aid provider. If you ask in the reception centre you should be directed to them. The primary legal aid providing NGO may be Metadrasi, NRC (Norwegian Refugee Council) or DRC (Danish Refugee Council) or GCR (Greek Council for Refugees), depending on where you are.

You can also ask us at RefuComm. We are in the process of mapping all the free legal aid services for refugees in Greece now and will add the map here later

Please note, this document describes what *should* happen according to EU and Greek law and as currently officially interpreted by the Greek Asylum Service. There are instances we know of when procedures have not been applied correctly or consistently.

Remember you have the right to information on the procedures that apply to your case, but you have to ask GAS or EASO or the police in the Hotspot to refer you to the lawyers provided to give you that information.

If something happens to you outside of these procedures that doesn't make sense. Please let us know.

www.refucomm.org

email us @ refucomm@gmail.com