

Summary of the Asylum Process on Lesvos

Asylum procedure

In Greece, there are two different asylum procedures:

1. The “Mainland” Procedure – applies to those who have arrived on Lesvos and have been recognised as ‘vulnerable’ (see below)
2. The “Island”/“Border” Procedure – applies to all those who have arrived on Lesvos and who have not been recognised as ‘vulnerable’

Asylum process

There are four stages of the asylum process, which all asylum seekers (other than Dublin family reunification cases) pass through:

1. Police registration
2. Asylum registration
3. First instance interview
4. First instance decision and appeal (if relevant)

Police registration

This takes place upon arrival of an asylum seeker in Moria and involves various administrative steps, including the registering of the asylum seeker’s personal details and finger prints in the Eurodac system. They are given a small paper with their personal details on. At this point, the asylum seeker has expressed his/her intention to apply for asylum, but has not yet formally lodged their asylum claim. From this point on, the asylum seeker is under a geographical restriction and so cannot leave Lesvos.

As part of this process, they pass through a medical screening – please see ‘Vulnerability’ below for more details.

If an asylum seeker has completed police registration, but not yet completed asylum registration (see below), then we would not register them for first instance interview preparation. However, we would register them if they have a Dublin family reunification case (see below).

Asylum registration

Asylum registration takes place, on average, between 2 – 4 weeks after police registration. It includes a short interview (around 30 minutes) and is the point at which the asylum seeker lodges his/her asylum claim. The asylum seeker will be asked to confirm his/her personal details and explain in one or two sentences the reason they left their country of origin.

It is also the point at which an asylum seeker with a Dublin family reunification case should explain their Dublin family reunification case and submit any relevant documents relating to this that they might have.

As part of asylum registration, the asylum seeker receives their “Ausweis”. This contains their asylum case number and date of first instance interview.

We only register cases for first instance interview preparation once they have completed their asylum registration and so have their date of first instance interview.

First instance interview

The first instance interview is the substantive assessment of the asylum seeker's claim. It involves an in person interview on Lesvos with EASO (the European Asylum Support Office). The first instance decision will be made by GAS (the Greek Asylum Service), which is based on the interview transcript, the EASO expert's opinion and any evidence submitted.

Please see the "European Lawyers in Lesvos - Interview Preparation Guide" for more details on the kind of questions that will be asked and how you should approach preparing someone for their first instance interview.

If an asylum seeker is **not recognised** as 'vulnerable' then their first instance interview will take place approximately 6 weeks after their asylum registration, will be on Lesvos and will be with EASO.

If an asylum seeker is **recognised** as 'vulnerable' then their first instance interview will be scheduled to take place approximately 6 months after their asylum registration and will be with EASO. They will have their geographical restriction lifted upon being recognised as vulnerable, meaning they can leave Lesvos and travel to mainland Greece. Where and when their interview will take place will depend on whether they leave the island and, if so, how:

- If they stay on Lesvos, their interview will take place on Lesvos as scheduled
- If they leave Lesvos by their own means, then their interview will take place as scheduled, but they will have to return to Lesvos for their interview.
- If they are transferred to the mainland by UNHCR (and are accommodated in an official site (e.g. Katsikas, Volvi, etc)), then their interview will be re-scheduled (likely for 2020/21) and will take place on the mainland and not on Lesvos.

First instance decision and appeal (if relevant)

Our role ends once an asylum seekers gets his/her first instance decision. If an asylum seeker is rejected and wishes to lodge an appeal, they will be provided with a lawyer (either from the state or Metadrasi, a Greek legal NGO). The appeal will be considered by the Appeals Committees in Athens (the asylum seeker, however, remains on Lesvos).

If an asylum seeker approaches us for assistance and they have received their first instance decision, they should not be registered and instead informed that they should to speak to their appeal lawyer.

If an asylum seeker approaches us for assistance after their first instance interview, but before they have received their decision, then we would not normally register them. The only exception if is they need our specific assistance with something (e.g. if they have not been allowed to submit documents) – in this case, before registering them, please discuss with our legal coordinator, Chrysoula/Vassilis.

'Vulnerability'

As mentioned above, as part of the police registration stage, all asylum seekers go through a medical screening with KEELPNO (the state doctors). However, this can take place many weeks after the other steps of the police registration (the current waiting list is over 4 months).

The medical screening involves a physical examination and can, if the doctor considers it necessary, also involve a psychological assessment. If the asylum seeker is referred for psychological assessment, it takes places approximately 6 weeks after the physical examination.

Following the medical screening, the KEELPNO doctor makes a vulnerability assessment. The asylum seeker will be considered to be either:

1. "A"
2. "B"
3. "C"

This assessment has a critical role in determining the legal process the asylum seeker follows.

Following their vulnerability assessment, asylum seekers are assessed to be either “A”, “B” or “C”.

Asylum seekers assessed as “A” are vulnerable.

Asylum seekers assessed as “B” are not vulnerable, but have special reception needs.

Asylum seekers assessed as “C” are not vulnerable and have no special reception needs.

Asylum process: different paths

Within the broad framework set out above, the precise process that an asylum seeker follows depends on:

1. Whether they fall under the “Mainland” Procedure or the “Island”/“Border” Procedure (i.e. whether they have been recognised as ‘vulnerable’ or not)
2. Their nationality

Syrians

1. Vulnerable

Syrians recognised as vulnerable are exempt from the “Island”/“Border” Procedure and follow the “Syrian fast-track” procedure (“Mainland Procedure”). This means that they will have their geographical restriction lifted and have their first instance interview on the mainland (in 2020/2021). Their interview on the mainland will be an eligibility interview (i.e. it will be only about Syria) – they will not be asked whether Turkey is a safe third country.

2. Non-vulnerable

Non-vulnerable Syrians have their first instance interview on Lesbos with EASO under the “Island”/“Border” Procedure. Their interview will be an “admissibility” interview that will focus on whether or not Turkey is a safe country for them (they will not be asked about Syria in this interview).

In this interview, they will also be asked questions about their health situation. This provides a crucial opportunity to explain any potential vulnerability they may have – if the EASO case worker considers that the asylum seeker may have a potential vulnerability, he/she will be referred to the EASO vulnerability expert. A decision regarding the asylum seeker’s vulnerability will then be made – if the asylum seeker is considered vulnerable, they will be referred to the “Syrian fast-track” procedure (“Mainland” Procedure) and so have their interview on the Mainland.

If a non-vulnerable Syrian passes the “admissibility” interview (i.e. Turkey is considered to not be a safe country for them) they will then have an “eligibility” interview, where they will be asked about Syria.

The current policy is that the vast majority of non-vulnerable Syrians are rejected at the admissibility stage and so it is crucial to fully prepare such cases about vulnerability, in order to try to get them recognised as vulnerable.

“High-threshold recognition rate” nationalities

“High-threshold recognition rate” nationalities are those with a higher than 25% average recognition rate and include Afghanistan, Iraq, Iran, Yemen, Somalia, Eritrea and Ethiopia)

1. Vulnerable

Vulnerable asylum seekers from these countries follow the “Mainland” Procedure. They will have their interview with EASO. Please see above for an explanation of when and where the interview will take place.

Their interview will be an eligibility interview, meaning they will only be asked about their country of origin (not about Turkey or about vulnerability (as they are already recognised as vulnerable)). Interview preparation should therefore focus on why it is not safe for them to go back to their country of origin.

2. Non-vulnerable

Non-vulnerable asylum seekers from these countries follow the “Island”/“Border” Procedure and have their first instance interview on Lesbos with EASO. The interview is a combined admissibility and eligibility interview – the asylum seekers are asked first about whether Turkey is a safe country for them and then about their country of origin.

The current policy is that all non-vulnerable asylum seekers from high threshold recognition rate countries pass admissibility – i.e. Turkey is considered to be not a safe country for them. Interview preparation should therefore focus on the asylum seeker’s country of origin.

As above, in this interview, they will also be asked questions about their health situation and so it gives an opportunity for them to be considered vulnerable and to be referred to the “Mainland” Procedure. If they are recognised as vulnerable, they will be referred to the “Mainland” Procedure and they will have their geographical restriction lifted (please see above for an explanation of when and where the interview will take place).

“Low-threshold recognition rate” nationalities

“Low-threshold recognition rate” nationalities are those with a lower than 25% average recognition rate and include Pakistan, Bangladesh, Egypt, Algeria, Morocco, Tunisia and most W. African countries.

1. Vulnerable

Vulnerable asylum seekers from these countries follow the “Mainland” Procedure. They will have their interview on Lesbos with EASO. Please see above for an explanation of when and where the interview will take place.

Their interview will be an eligibility interview, meaning they will only be asked about their country of origin (not about Turkey or about vulnerability (as they are already recognised as vulnerable)). Interview preparation should therefore focus on why it is not safe for them to go back to their country of origin.

2. Non-vulnerable

Non-vulnerable asylum seekers from these countries follow the “Island”/“Border” Procedure and have their first instance interview on Lesbos with EASO.

However, they follow an expedited process and so **do not go through the admissibility stage, but rather go straight to the eligibility stage.** Their interview will therefore be an eligibility interview, meaning they will only be asked about their country of origin (not about Turkey). They will, however, be asked about their health situation and so, as above, this provides an opportunity for them to be considered vulnerable (If they are recognised as vulnerable, they will be referred to the “Mainland” Procedure and they will have their geographical restriction lifted (please see above for an explanation of when and where the interview will take place)).

Dublin family reunification

We assist with Dublin family reunification cases by helping asylum seekers collect the relevant documents and submit their application. We aim to register such cases before their asylum registration (so they are able to submit their documents at their asylum registration).

If an asylum seeker is accepted to be under the Dublin procedure, they will have their geographical restriction lifted and carry on their process on the Mainland.

The current policy is that GAS on Lesbos **only accepts** cases of nuclear family reunification (i.e. spouses, parents with minor children and minor children with parents). All other family reunification cases will not be accepted and so should not be registered by us. If you have a case that is non-nuclear family reunification and you consider there to be exceptional reasons for which to try to proceed with Dublin family reunification, please discuss with Chrysoula before registering the case.