

DUBLIN II

Regulation & Asylum

In Greece

Guide for asylum seekers - 2012

You are now in Greece.
The capital is Athens, and the official language is Greek.
Greece has 10.7 million inhabitants,
and is a member of the European Union.



European
Refugee Fund

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AITHMA

This guide provides practical information about the Dublin II procedure, asylum seekers' rights, asylum proceedings and protection statuses.

It is written directly for asylum seekers under a Dublin process. It will also be useful for people working in the asylum sector.

The Dublin regulation – European Union

You cannot choose the country in which you wish to apply for asylum.

According to the Dublin regulation, **you can only apply for refugee status in one member state. Usually, this is the first member state which you reach. In practice this normally means that any subsequent country where you apply will return you to the appropriate state.**

This might happen when:

- your fingerprints were taken in another country (and stored on a common European database called EURODAC)
- you admit that you have been to, or travelled through, another country, even if you didn't give your fingerprints
- it can be shown by some other source of evidence that you have been to, or travelled through another country
- it can be shown that you were previously issued a visa for an EU country
- you tell the authorities that you wish to join your spouse, who is an asylum seeker or a refugee in another country

Alternatively, if your husband, wife or child is an asylum seeker or a recognised refugee in another member state, that country should be responsible for your asylum application only if you so desire. If you are an unaccompanied minor, the member state where your parent or parents reside is responsible for your asylum application.

Article 3.4 Dublin regulation

The asylum seeker shall be informed in writing in a language that he or she may reasonably be expected to understand regarding the application of this Regulation, its time limits and its effects.

The Dublin Regulation applies in the following countries Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Norway, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom.

The Regulation in Operation

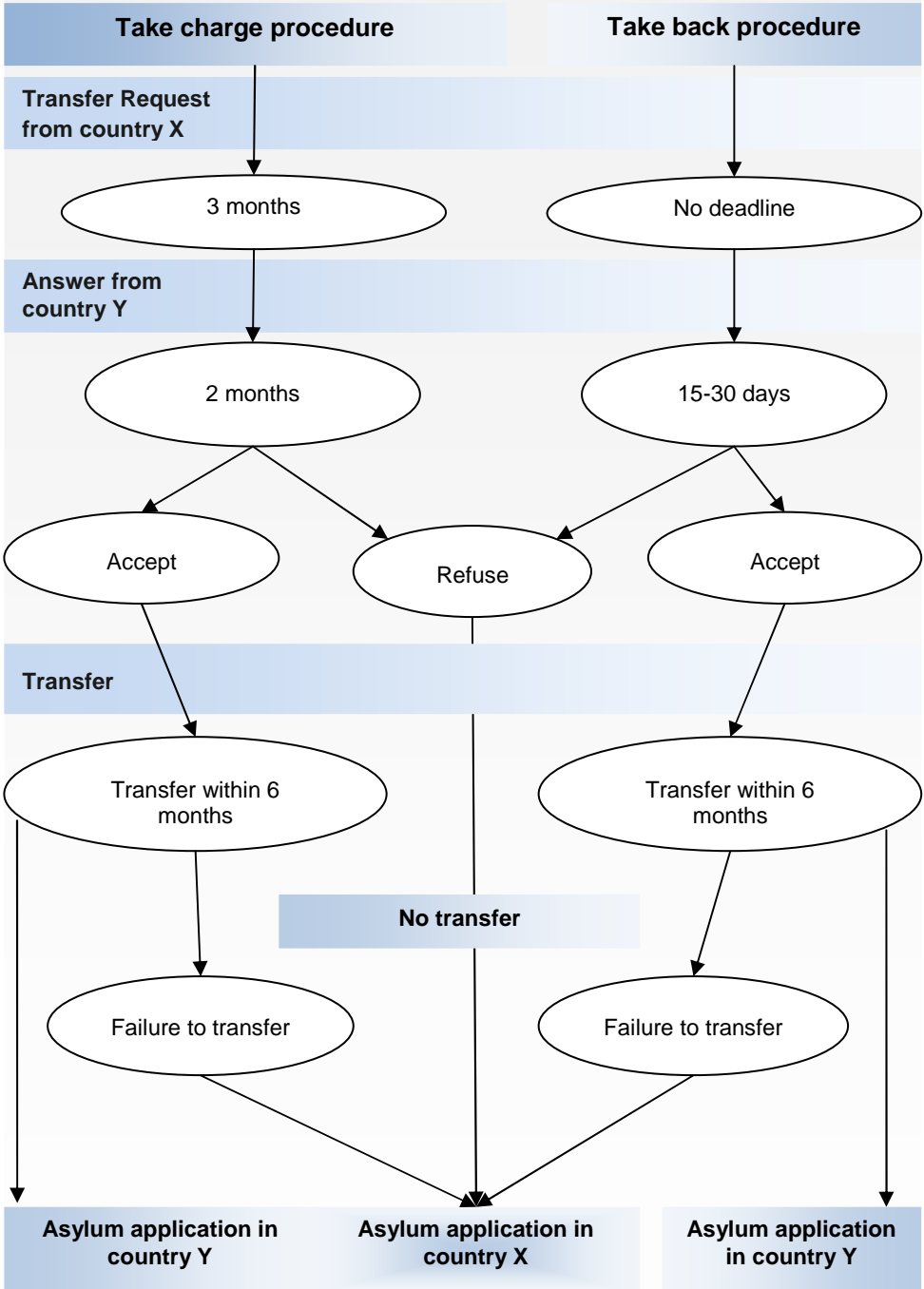
The Take Charge Procedure

Where another member state is designated responsible under the criteria in the Regulation, that state is approached to take charge of you and to examine your application.

The Take Back Procedure

Where a member state has already examined or begun to examine your application, it may be requested to take you back, if you have left that member state.

You are in country X



Implementation of the Dublin regulation in Greece

How Dublin II is applied in Greece for outbound transferees

What happens when I apply for asylum in Greece?

When you submit an asylum application your fingerprints are taken and a short interview is conducted. Then you are given a red card, a special document for asylum seekers.

Why am I under the Dublin procedure?

You are placed under the Dublin procedure because the Greek authorities assume another European state is responsible for your asylum application under the Dublin Regulation (see above p.1).

Why do Greek authorities assume another European country is responsible for my application?

Another country will be considered responsible for your case in two situations:

- **First case:** When authorities assume that you first entered the European Union through another state. This assumption is made based on your interview or an examination of your fingerprints that were taken in another country or by any other source of evidence.
- **Second case:** When authorities decide another country is responsible for your application for 'family reunion' reason. This means that:
 - If you are younger than the age of 18, the member state where your parents reside is responsible for your asylum application.
 - If your husband/wife or child is an asylum seeker or a recognized refugee in another member state, that state should be responsible for your asylum application only if you desire so.
 - As far as other members of your family being in another member state are concerned, the other state may be responsible for your asylum application, if you prove that those relatives depend on you because of serious health reasons.

What happens under the Dublin procedure?

When for the above-mentioned reasons another country is found to be responsible for your case under the Dublin regulation, the Dublin Department of the Greek Police Headquarters sends a formal request to take charge of your case to the responsible country.

If the other country accepts (either implicitly or officially) the responsibility to examine your asylum application, the Greek authorities issue a decision declaring your asylum application 'inadmissible,' because another member state has taken charge of your case under Dublin regulation.

What can I do if I do not agree with the decision?

You can appeal this decision within 15 days and the case will be examined by the Appeals Committee.

If the Appeals Committee rejects the appeal, you have the right to take your case to the Appeals Administrative Court within 60 days. The deadline is 60 days after the date you are given the decision.

The Court examines whether the authorities applied the procedure prescribed by the law.

You can ask the Court for a 'temporary stay permit' until a final decision is issued.

If the decision of 'transfer to another member state' becomes final or the Appeals Administrative Court does not grant a 'temporary stay permit,' then transfer to the responsible member state can occur.

If the other member state does not accept to take charge of your case or the Appeals Committee accepts your appeal, then the Greek state will examine your asylum application.

Will I be detained?

During the Dublin procedure you are not detained.

Will I be staying legally in Greece during the Dublin procedure?

Temporary stay permit

Asylum seekers get a 'temporary stay permit' for as long as their application is being examined. They are given a 'red card,' a special document for asylum seekers.

What are my social rights?

You have the same rights as any other asylum seekers in Greece:

- **Medical care:** You have access to free medical care in the public hospitals.
- **Work permit:** A work permit is issued for as long as the application is being examined.
- **Accommodation:** There are only about 800 places in reception centers but there are tens of thousands of asylum seekers. Asylum seekers who are identified as members of vulnerable groups (minors, ill/handicapped persons, torture victims, single women etc.) have priority.

How Dublin II is applied in Greece for asylum seekers transferred by other countries

What happens when I am transferred to Greece under the Dublin II Regulation?

You arrive at Athens International Airport where you are received by the Police, they are the responsible authority. You are taken to the Asylum Office of the Airport Police where your details are registered and your photograph is taken.

You are met by an NGO team (lawyer, social worker, interpreter) who are there to help you. This team will offer you information, and legal and social assistance.

- **If you already applied for asylum in Greece**

If your application is pending, then you will get a 'red card,' a special document for asylum seekers, and you will be released. You will be instructed to report to the Aliens' Police Division (Petrou Ralli 24, Athens) in order to state your address.

If you received a 'first instance' rejection and you did not appeal it then the asylum procedure is finished. You will be detained and the deportation process will follow.

If a 'second instance' rejection has been issued:

- You have the right to take the case to the Administrative Appeal Court.
- If you can present new evidence about your case you can submit a new asylum application

- **If you have not applied for asylum in Greece before**

You should make clear that you want to apply for asylum in Greece. If you don't apply for asylum, then you will be detained and the deportation process will follow

If you tell the Police that you want to apply for asylum in Greece, then:

- You will be fingerprinted
- You will fill out an asylum application
- You will be detained until your fingerprints are processed and examined.

This procedure is usually finished next morning.

If you do not have a pending 'arrest warrant', you will be given a red card and you will be released. You will be instructed to report to the Aliens' Police Division (Petrou Ralli 24, Athens) in order to state your address and make an appointment for the asylum interview.

If you belong to a vulnerable group (if you are a minor, ill/handicapped, a torture victim, or a single woman):

Report any problems you face to the Police and the NGO team so you get the help you need. Explain your health problems and the medicines you take.

Accommodation is scarce for asylum seekers in Greece. Members of vulnerable groups have priority to accommodations and most of them are immediately placed in shelters.

The asylum system in Greece

Legislation related to asylum: Presidential decrees 220/2007, 96/2008, 114/2010

Responsible authority: Ministry of Citizen Protection

The Greek Police are responsible for the submission of the asylum claim, the first-instance interview and for issuing and renewing the special document for asylum seekers (red card).

Forms of protection in Greece

Refugee status is granted to people who have a well-founded fear of being persecuted in their country of origin because of their race/religion/nationality/political opinion or membership in a particular social group.

"Persecution" usually means a serious violation of human rights, such as torture, inhuman or degrading treatment, slavery, physical or sexual violence or very serious discrimination.

Subsidiary protection is granted to people who do not qualify for refugee status but have been exposed to serious harm or are at a real risk of suffering serious harm.

The following threats are considered as serious harm:

- Death penalty
- Torture, inhuman or degrading treatment or punishment
- Serious, individual threat to a civilian's life or person because of indiscriminate violence during an armed conflict.

Humanitarian status is granted to people who do not qualify for 'refugee status' or 'subsidiary protection' when it is not possible to remove or return the asylum seeker to his/her country due to reasons such as serious health conditions, international siege, civil conflicts, mass violations of human rights, or due to the principle of non-refoulement.

Procedure for claiming asylum

How to apply for asylum?

You can submit your asylum application to the Greek Police. When you apply you should include your travel documents and any other documents proving your identity or documenting your case.

Admissibility of your application

Your application will be considered as not admissible if:

- You have been granted protection from another EU country or another EU country is responsible for the examination of your case under Dublin II Regulation.
- You have sufficient protection from another non EU country which is considered as a 'safe third country' or 'first country of asylum.'
- You submitted a similar application in Greece after the previous one was rejected.

You have the right to appeal a decision declaring your application 'inadmissible.'

How will the application be processed?

If your application is 'admissible' the Greek Police will give you a red card, a special document for asylum seekers and an appointment for an asylum interview.

The asylum interview

It is important that you are prepared well for the interview. For this reason it would be very helpful if a competent NGO, like AITIMA, takes on your case. An asylum lawyer can help you organize your case files and they can support you during the asylum interview.

The asylum interview is conducted by a police officer with the help of an interpreter. A representative of the United Nations High Commissioner for Refugees may be present. A written record of your interview is taken.

Regular or accelerated procedure

The police officer decides whether your case will be examined under 'regular' or 'accelerated' procedure.

The accelerated procedure is used when an asylum application is considered as manifestly unfounded or when the applicant is a citizen of a safe country of origin or came from a safe third country.

If your application is examined under the regular procedure the decision should be issued within 6 months by the General Secretary of the Ministry of Citizen Protection.

If your application is examined under the procedure the decision will be issued by the Police Director within 3 months.

What can I do if I do not agree with the decision?

Right to appeal the 'first instance' decision

You have the right to appeal the first instance decision within 30 days if your case is examined under the regular procedure or 15 days if your case is examined under the accelerated procedure. The deadline is established from the date you are given the decision.

Second instance examination by the Appeals Committees

The Appeals Committees have three members and consist of representatives of the Ministry of Citizen Protection, the United Nations High Commissioner for Refugees and the National Committee for Human Rights.

Asylum seekers are very thoroughly interviewed. It is very important that the asylum seekers are assisted by a lawyer from a competent NGO so that they are well prepared and supported during the interview. On average, the decisions of the Appeals Committees are issued within 3 or 4 months.

What can I do if I do not agree with the second instance decision?

Right to appeal the second instance decisions

You have the right to appeal the second instance decision at the Appeals Administrative Court within 60 days. The deadline is 60 days after you are given the decision.

The Court examines whether the authorities applied the procedure prescribed by the law and not the merits of the claim.

Other legal rights concerning the procedure

Free legal aid

Legal aid is limited because it is only provided by three NGO's funded by the European Refugee Fund.

Interpretation during the procedure

In the Attika Aliens' Police Division (Petrou Ralli 24, Athens) there are interpreters for most of the languages spoken by asylum seekers.

However, in other cities the asylum offices of the Greek Police do not employ interpreters and often rely on temporary assistance from NGOs delivering European Refugee Fund projects.

What are my rights as an asylum seeker?

Temporary stay permit

Asylum seekers get a 'temporary stay permit' for as long as their application is being examined. They are given a red card, a special document for asylum seekers.

Medical care

You have access to free medical care in the public hospitals.

Work permit

A work permit is issued for as long as the application is being examined

Accommodation

There are only about 800 places in reception centers but there are tens of thousands of asylum seekers. Asylum seekers who are identified as being members of vulnerable groups (minors, ill/handicapped persons, torture victims, single women etc.) have priority.

Procedure outcomes and consequences

Refugee status

- You get protection for an indefinite time period.
- A refugee passport is issued.
- You can have a work permit
- You can get free medical care in public hospitals.
- In general, a recognized refugee has the same social rights as a Greek citizen.

Subsidiary protection

- You get protection for 2 years. This protection can be renewed
- A passport can be issued in exceptional cases. You can travel to only 2 countries.
- You can have a work permit
- You can get free medical care in public hospitals.
- In general a person having subsidiary protection has the same social rights as a Greek citizen.

Humanitarian status

- You get protection for 2 years. This protection can be renewed
- A passport can be issued in exceptional cases. You can only travel to 2 countries.
- You can have working permit
- You can get free medical care in public hospitals.
- In general a person with humanitarian status has the same social rights as a Greek citizen.

Rejection

If you don't appeal the decision rejecting your application or if the Appeals Administrative Court does not grant you a 'temporary stay permit,' then you should leave the country within 30 days.

Contact information

Partner organization activities and contact details

AITIMA

Address: Meintani 13-15 , Athens 11741

Phone: (0030) 2109241677

Email: <mailto:aitima@freemail.gr>

Website: <http://www.aitima.gr>

Activities:

- Free legal assistance
- Free social support; aiding asylum seekers get accommodation, medical care and a work permit
- Raising awareness about refugee issues, advocacy

List of support organizations for asylum seekers in Greece

GREEK COUNCIL FOR REFUGEES

Address: Solomou 25 Athens

Phone: 210 3800990

Email: <mailto:gcr1@gcr.gr>

Website: <http://www.gcr.gr>

Activities:

- Free legal assistance
- Free social support; aiding asylum seekers get accommodation, medical care, and a work permit

ECUMENICAL REFUGEE PROGRAM

Address: Iridanou 14A Athens

Phone: 210 7295926

Email: <mailto:ecrp@ath.forthnet.gr>

Activities: Free legal assistance

DOCTORS OF THE WORLD

Address: Sappous 12 Athens

Phone: 210 3213150

Email: <mailto:info@mdmgreece.gr>

Website: <http://www.mdmgreece.gr>

Activities:

- Free medical help
- Accommodation

PRAKSIS

Address: Stournari 57 Athens

Phone: 210 5205200

Email: <mailto:info@praksis.gr>

Website: <http://www.praksis.gr>

Activities:

- Free medical help
- Accommodation

VAVEL

Address: Mithimnis 27B Athens

Phone: 210 8616280

Email: <mailto:babel@syn-eirmos.gr>

Website: <http://www.syn-eirmos.gr/index.html>

Activities: Free psychological help

ONE CHILD ONE WORLD

Address: Zaimi 56

Phone: 210 8838512

Email: <mailto:info@paidi-kosmos.gr>

Website: <http://www.paidi-kosmos.gr>

Activities: Free social support to families

List of relevant public administrations

MINISTRY OF CITIZEN PROTECTION

Address: P. Kanellopoulou 4 Athens

Phone: 210 6980566

Email: <mailto:asylum@mopo.gr>

Website: <http://www.yptp.gr>

Activities: Responsible authority of the Greek Police for the examination of asylum claims

MINISTRY OF HEALTH AND SOCIAL SOLIDARITY

Address: Aristotelous 17 Athens

Phone: 210 5202074

Email: <mailto:dkaa@yyka.gov.gr>

Website: <http://www.yyka.gov.gr>

Activities: Responsible authority for asylum seeker accommodation

Transnational Dublin Project

European network for technical cooperation on the application of the Dublin II regulation

In order to overcome the shortcomings of the Dublin II Regulation, the French association Forum Réfugiés coordinates a 18-month project which aims to develop tools for comprehensive information and training on the procedure of the Dublin Regulation and the asylum national systems and monitoring tools for asylum seekers placed under the Dublin procedure.

The main objective of this project is to create a European network of associations providing follow-up and assistance to asylum seekers in their charge, finding themselves under the Dublin procedure.

Dublin II Regulation : Council Regulation No.343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member States responsible for examining an asylum application lodged in one of the Member States by a third-country national.

European partner organizations :

Asyl in Not (Austria), Italian Council for refugees (Italy), Comisión Española de Ayuda al Refugiado (Spain), Danish Refugee Council (Denmark), Dutch Council for Refugees (Netherlands), Forum Réfugiés (France), France terre d'asile (France), Hungarian Helsinki Committee (Hungary), Jesuit Refugee Service (Romania), Organisation Suisse d'Aide aux Réfugiés (Switzerland), Refugee Council Hessen (Hessischer Flüchtlingsrat, Germany), AITIMA (Greece), The Human Rights League (Liga za ľudské práva, Slovakia), Legal Clinic For Refugees and Immigrants (Bulgaria), ECRE (European Council on Refugees and Exiles).

<http://www.dublin-project.eu>