



## **FREQUENTLY ASKED QUESTIONS**

The Asylum Service receives frequently questions from the media and the public regarding asylum and migration. The most frequent questions appear below along with brief answers. For more information or data, please contact the Asylum Service (<http://asylo.gov.gr/en/> [asylo@asylo.gov.gr](mailto:asylo@asylo.gov.gr), tel. +30 210 6988500).

### **IRREGULAR MIGRATION AND ASYLUM**

#### **“What is the relation between Asylum and Migration?”**

Establishing a “fair and efficient” asylum system is an integral part of a modern and comprehensive management policy of mixed migration flows. A fair but efficient asylum procedure ensures that purely economic migrants have no reason to resort to the asylum system, since they are aware that their claim will be speedily rejected, while refugees receive the protection afforded by international conventions and national law within a reasonable time frame.

#### **“Who is considered a refugee?”<sup>1</sup>**

A refugee is someone who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality, and is unable to, or owing to such fear, is unwilling to avail him/herself of the protection of that country. “Persecution” is considered to be the violation of a person’s fundamental rights, such as torture, arbitrary detention, discriminatory treatment endangering the survival of the persecuted person, etc.

#### **“What is the difference between a refugee and an economic migrant?”**

An economic migrant is someone who flees his/her country in search of better working and living conditions in the countries of his/her final destination. On the other hand, a refugee is someone who

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<sup>1</sup> In Greece, asylum is often referred to as “political asylum”. In the present text the term “asylum” is used. Moreover, in the present text, the term “refugee”, which is more familiar to the public, is used as a synonym to the term “beneficiary of international protection”. For the same reason, the term “asylum seeker” is used here as a synonym to the term “claimant for international protection”. In European law the term “beneficiary of international protection” includes recognized refugees (those who have been granted asylum) and beneficiaries of subsidiary protection.

fears for his/her life due to his/her race, religion, political beliefs, etc. Economic migrants have the possibility to return to their country whenever they want, as opposed to refugees who cannot return until the situation in their country changes and is considered a safe place for them to go back to, as prescribed by the Geneva Convention relating to the Status of Refugees, as well as other international and European instruments and national laws.<sup>2</sup> In other words, only if someone is not considered a refugee, can he/she be sent back to his/her country of origin.

**“Is it true that Greece does not return to their country of origin, even non-refugees, having as a result the fact that all third-country nationals, who come here without fulfilling the necessary legal requirements, end up staying in the country?”**

The Greek Police is implementing programmes of voluntary and forced repatriation. Relevant information can be found on the Police website (<http://www.astynomia.gr>). However, many countries do not recognize their citizens as such or do not cooperate sufficiently on the issuing of travel documents which are necessary for their repatriation. Other countries might even not be represented in Greece. This causes delays in the repatriation process.

**“Is Greece in a position to repatriate those whose asylum claim has been rejected and are still illegally staying in the country even without the official consent of that country?”**

The cooperation of the countries of origin is absolutely necessary. Otherwise there is a violation of international rules.

## ASYLUM IN GREECE

**“Why should there be a procedure for granting asylum (“international protection”) in Greece?**

In Europe, as well as in other parts of the world (North America, South Africa, Middle East, etc.), many nationals from other countries arrive intending to stay for a short period of time, having fled their country either because their life, their physical integrity or safety are in danger there, or because they want to improve their financial situation and in general their living conditions. In the first case, the countries they come to have specific obligations to provide them with “international protection” -if they have signed the relevant international treaties-, while in the second case, the countries do not have the obligation to accept them. The obligations for providing international protection derive from international conventions, European Directives, and national rules<sup>3</sup> which in their turn reflect and integrate ancient values regarding the protection of the “foreigner” from danger. Greece has been a country of origin of refugees and migrants for many decades. During the last twenty years Greece has been turned into a country of destination and entry into the EU, due to its political and economic

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2 For the basic legal texts see the websites of the Asylum Service (<http://asylo.gov.gr/>), of the Greek Ombudsman (<http://www.synigoros.gr/?i=foreigner.el>) and of UNHCR (<http://www.unhcr.org>).

3 For the basic legal texts see the websites of the Asylum Service (<http://asylo.gov.gr/>) and of the Greek Ombudsman (<http://www.synigoros.gr/?i=foreigner.el>).

stability as well as due to its geographic location, which makes it a natural crossroads between the countries of northern and central Europe and the countries of Asia and Africa. Therefore, it is very important to have a reliable asylum procedure as part of a comprehensive management system of migration flows, which will secure the refugee from the dangers in his/her country of origin, as well as our country from any abuse of this process by persons who are not entitled to receive protection.

**“How many refugees have been granted asylum in Greece in 2015? How is the situation developing in 2016?”**

In 2015, the Asylum Service registered 13,197 asylum claims, which represents an increase of 40% compared to 2014. Furthermore, the Asylum Service examined the substance at the first instance of 8,437 asylum claims and issued 3,997 positive decisions. Of these, 3,649 concerned the granting of refugee status and 348 the granting of subsidiary protection.

In 2016, owing to a change in policy by the Former Yugoslav Republic of Macedonia which gradually refused to allow the passage through its territory of refugees and migrants, a rapid increase in international protection claims has been observed. In February 2016, 1,469 such claims were submitted, in April 3,700 and in May 4,288.

In addition, following the Common EU-Turkey Statement of 18 March 2016, according to which persons who enter the Greek islands in an irregular fashion must be returned to Turkey, there was a mass submission of international protection claims (approximately 8,500 claims were submitted in a period of two months).

**“What is the procedure of pre-registration or of simple registration, which is being realized by the Asylum Service since June 2016?”**

Due to rapid increase in the numbers of asylum seekers in Greece during the first months of 2016, and in an attempt to safeguard their status as asylum seekers, the Asylum Service is currently realizing a programme for their pre-registration with the support of UNHCR and EASO.

For more information, please see:

[http://www.unhcr.gr/fileadmin/Greece/Extras/ITB/2015/News\\_Story/PI/03-06-2016/W001-1\\_What\\_is\\_Pre-Registration\\_Handout.pdf](http://www.unhcr.gr/fileadmin/Greece/Extras/ITB/2015/News_Story/PI/03-06-2016/W001-1_What_is_Pre-Registration_Handout.pdf)

**“Which rights are granted to a recognized refugee?”**

Everyone who is granted international protection status has the right to stay in the country for three (3) years. They have access to education, health care, the labour market, and social security. Responsible authorities issue travel documents to recognized refugees, while beneficiaries of subsidiary protection are provided with travel documents if they are unable to obtain a national passport, unless there are compelling reasons of national security or public order.

Please refer also to the information provided here [http://asylo.gov.gr/en/?page\\_id=471](http://asylo.gov.gr/en/?page_id=471)

**“Is it possible to revoke a person’s asylum status?”**

International protection status can be revoked when a change in circumstances takes place in the country of origin that makes it safe for the refugee to return or in certain cases when it should not have been granted.

**“Can a country refuse to accept refugees, because there are too many economic migrants?”**

In the case of refugees, there is no quota (that is, a maximum number of refugees that a country is not obliged to surpass).

**“What is happening with the large number of third country nationals who have made asylum claims in Greece? Are they entitled to stay in Greece and for how long?”**

As long as the examination of the asylum claim is pending, the removal of the asylum seekers is not allowed precisely because there might be people among them who are entitled to international protection. Nonetheless, how fast the claims for international protection will be examined depends on the state. Usually, a few months are enough for a claim to be examined - therefore submitting an asylum claim does not necessarily result in the claimant staying legally in the country for a long time.

**“Do all irregular migrants request asylum? Who suggests to them to submit an asylum claim, even if they are not refugees, without having valid reasons?”**

Not all irregular migrants request asylum. International experience shows that the better and more complete the official information is which is provided to the third-country nationals relating to the legal framework for international protection, the Dublin III Regulation, etc., and above all the faster the processing of international protection claims, the fewer non-refugees will apply for asylum. On the contrary, when the main source of information of third-country nationals is, for example, the illegal trafficking and exploitation networks, then there is a rise in international protection claims without valid reasons.

**“Is Greece obligated to grant a specific percentage of international protection status to third country nationals?”**

Greece is obligated to grant international protection (asylum or subsidiary protection) to whoever deserves it according to the conditions provided by law.

**“If Greece grants international protection to many asylum seekers, wouldn’t that encourage an increase in migration flows towards our country?”**

A country attracts more irregular migrants when it does not have a comprehensive policy of migration flow management, when it gives the impression that its borders are not efficiently protected and when it seems to tolerate irregular migration. The international protection status that is given speedily but only to those who are entitled to it, emits a sense of fair judgment, order, and legality, which will be

evident to migrants and to anyone who will try to take advantage of the vulnerable situation they are in, as well as to the citizens.

**“Is it allowed to detain an asylum seeker?”**

A third-country national seeking international protection is not detained solely because he/she entered the country and remains illegally. In case his/her application is submitted while he/she is detained within the framework of removal procedures, he/she remains detained if the detention is based on other legal provisions (for example for reasons of public security as well as when the identification of the asylum seeker is impossible). Detention conditions should guarantee the claimant’s dignity.

**INTERNATIONAL PROTECTION:  
ASYLUM AND SUBSIDIARY PROTECTION**

**“What is “international protection” and to whom is it granted? What is (political) asylum?”**

International protection is, according to the law, the refugee status (that is, granting asylum) and the subsidiary protection status.

Asylum is the protection provided by the state to people who flee their country or fear to return to it because they will be persecuted.

The requirements for granting asylum are based on, first of all, the Geneva Convention of 1951 relating to the Status of Refugees. An application for asylum can be made by someone who has fled his/her country and cannot return to it owing to a well-founded fear that he/she will be persecuted for reasons of:

- race
- religion
- nationality
- membership of a particular social group
- political opinion

In order to grant asylum to a claimant, he/she must meet at least one of the aforementioned requirements.

Greece has ratified the Geneva Convention relating to the Status of Refugees and is in the process of transposing into national law the relevant recast Directives of the European Union. EU Regulations (e.g. Dublin III) are also legally binding for Greece. Granting asylum is not a philanthropic act but an obligation of our country pursuant to international conventions and Greek law.

**“What is the subsidiary protection status?”**

The requirements for granting subsidiary protection are based on national and European law. The subsidiary protection status is granted to people who are in danger of serious harm in their country of origin.

Serious harm, according to the law, consists of the following:

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

Asylum and subsidiary protection are two very similar statuses, which are also included in the single term "international protection status", which means that a person enjoys protection from the international community / another state because his/her own country cannot or is not willing to protect him/her (that is, to safeguard his/her fundamental human rights).

**"How is the distinction between economic migrants and refugees made?"**

Distinguishing between these two categories is a complex process. Migration flows towards Greece are usually "mixed", since the refugees and the economic migrants use the same transit routes and entry points to get into the country. Both often lack legal documents (i.e. entry visa) or identity documents (i.e. identity card, passport, etc.), thus turning to networks of facilitators so as to avoid border controls, rendering the recognition and verification of their country of origin and their need for international protection extremely difficult. The first registration takes place, in case of arrest, in the initial reception and detention centers. As far as the asylum seekers are concerned the case workers can understand, using specific methods and "tools", which is their country of origin and determine through the asylum procedure, which ones are refugees. Communication with diplomatic representations to verify personal data is only allowed if the persons concerned are not asylum seekers or beneficiaries of international protection.

**FAIR AND EFFICIENT ASYLUM PROCEDURE**

**"What characterizes an asylum system as 'fair and efficient'?"**

A system is considered fair and efficient when it provides all necessary guarantees and requirements so that asylum or subsidiary protection are granted in a short period of time to all those who are actually eligible for such a status.

**"How is it possible to know if the claims made by the asylum seeker regarding his/her fear of persecution in his/her country of origin are true?"**

The only way is to request from the asylum seeker to present to the responsible authorities his/her claims. Through a full interview the authorities can reach a conclusion on whether the fear that the claimant is evoking is real, taking into account the circumstances in his/her country of origin. All staff must be fully trained for this purpose in relation to the legal framework, the interview techniques to determine the credibility of the claimant, as well as the evaluation of the situation in the countries of origin.

**“Such a system seems unavoidably time-consuming. How is it possible to process the claims in a short period of time?”**

It is certainly possible if the following conditions are met: adequate staffing with appropriately qualified and well-trained personnel, adequate infrastructure (office buildings, information systems and databases, etc.), documented standard operating procedures and very limited bureaucracy.

**“What if these prerequisites are missing?”**

Then the asylum procedure will be time-consuming and a pull-factor for unfounded asylum claims and third-country nationals who do not meet the legal preconditions for entering and staying in the country.

**“What happens to those whose claim is rejected?”**

In the cases where it has been decided that an international protection claimant does not meet the necessary requirements, his/her application is rejected and, if he/she is staying illegally in Greece, the process for his/her repatriation either begins then or continues.

## **THE EUROPEAN DIMENSION OF THE ASYLUM SYSTEM: “DUBLIN III” AND SCHENGEN**

**“What is provided for in the Dublin III Regulation?”**

Based on the EC Regulation 604/2013 (also called “Dublin III”), the first country of entry of a third-country national in the European Union usually has the obligation to examine and take a decision on his/her asylum claim. This means that those who have entered the European Union through Greece as the country of their first entry, even if they file an asylum claim in a different European country, will be returned to Greece in order for their claim to be examined. If their claim has already been rejected in Greece, it is not re-examined.

**“Greece as well as other countries in the European Union are requesting the Dublin III Regulation to be changed. Why is that?”**

Greece, together with other countries of southern Europe, but also the European Commission, UNHCR, and various non-governmental organizations, have denounced the “Dublin III Regulation” as an unfair system which is both costly and impossible to apply in practice. However, as far as other countries are concerned, which constitute the countries of “first preference” for third-country nationals that which also record higher numbers of asylum seekers than Greece, Dublin III is non-negotiable.

Assuring a fair and effective asylum system and abiding by our international obligations relating to the protection of refugees, strengthens the negotiating position of our country in the effort made to ask for changes in European policy, such as the revision of the “Dublin III” Regulation, the practical solidarity

expressed towards the countries under more significant migration pressures and a system of redistribution of asylum seekers and recognized refugees inside the E.U. The possibility for cooperation on these issues is increasing with countries such as Cyprus, Bulgaria, Malta, and Italy. In the course of the Greek presidency of the EU during the first half of 2014, Greece organized an international meeting of the countries of Southeastern Europe, which agreed on a common text of conclusions concerning solidarity between Member States and the distribution of responsibilities.

As a result of these pressures, the European Commission presented at the beginning of 2016 a draft of new Regulation, the Dublin IV Regulation, which is in the process of consultation within the organs of the EU.

**“What is the opinion of the Asylum Service on the proposal of the European Commission for a relocation and resettlement quota (as included in the Commission’s Agenda for Migration in May 2015)?”**

The Asylum Service is of the opinion that only through demonstrating genuine solidarity with third countries hosting very large refugee numbers, by offering a generous resettlement quota, as well as intra-EU solidarity, by adopting a re-distribution key, is there hope that refugees will reach Europe in safety and the Europe as a whole will ultimately respect its international responsibilities towards refugees. Europe must find ways to better allocate responsibility on all issues ranging from border management, to the asylum procedure, reception and integration.

**“Why do countries in central and northern Europe have more asylum seekers than Greece?”**

For many asylum seekers these countries are their final destination countries, either because they have relatives and friends there who can offer them support, or due to the social benefits provided, or due to higher wages, or because they believe that they have a better chance there to be granted international protection, etc. Despite the continuous and steady border controls, some people manage to reach countries of central and northern Europe and submit asylum claims there.

**“Why is there a suspension of returns of asylum seekers to Greece by other countries?”**

During the last few years, due to a number of European court decisions against Greece on issues related to the treatment of asylum seekers, almost all EU countries have suspended the return of asylum seekers according to the “Dublin III Regulation”. These decisions concluded that Greece was not implementing a “fair and efficient asylum system”, resulting in long-lasting uncertainty to asylum seekers, and because the living and detention conditions of asylum seekers were inadequate.<sup>4</sup>

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4 The most important decisions are the following two: M.S.S. vs Belgium and Greece by the European Court of Human Rights (Decision No. 30696/09, ECHR 2011 - (21.1.11)) and NS vs United Kingdom by the Court of Justice of the European Union (C-411/10).



**“Why don’t we supply asylum seekers with travel documents so that they can reach the EU countries that are their final destination countries? Why do we “prevent” them from leaving?”**

That would constitute an abuse on the part of Greece of the lack of border controls inside the Schengen area and would intensify the arguments of all those who demand their reinstatement or even the suspension of Greece’s participation in Schengen (resulting in the reestablishment of passport controls for nationals and third-country nationals coming from Greece).

**“What is the number of asylum seekers in Greece and in other European countries?”**

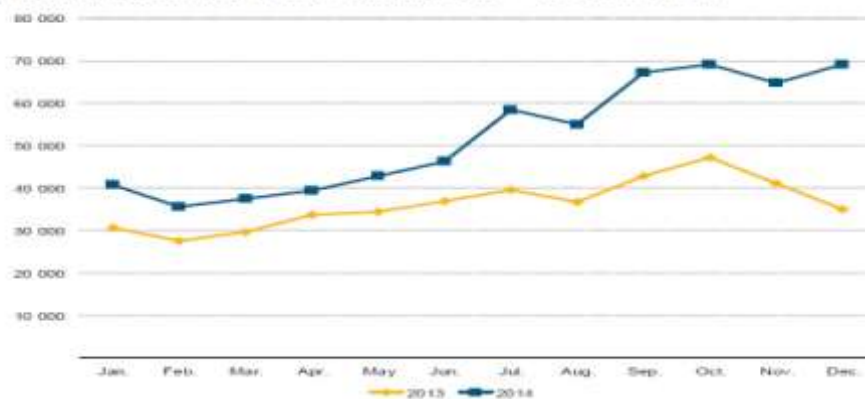
In 2014, in the 28 EU Member States, more than 600,000 asylum applications were submitted. Some indicative numbers of asylum applications in selected EU Member States are as follows:

Country	Asylum Applications (2014)
Germany	202,645
Sweden	81,180
France	62,735
Italy	64,625
Hungary	42,775
UK	31,745
Austria	28,035
.....	.....
Greece	9,432

The total number of asylum applications submitted in 2014 is 626,065 (an increase of 44% compared to the number for 2013).

The main countries of origin of asylum seekers in the EU are as follows: Syria, Afghanistan, Kosovo, Eritrea, Serbia, Pakistan, Iraq, Nigeria, Russia, Somalia and Albania.

**Figure 1: Asylum applicants, EU-28, January 2013 – December 2014**



In 2015, in the 28 Member-States of the European Union, more than 1,300,000 asylum claims in total were submitted. The numbers of asylum claims submitted in some of these countries are indicatively shown in the table below:

Country	Asylum Claims (2015)
Germany	476,510
Hungary	177,130
Sweden	162,455
Austria	88,160
Italy	83,535
France	75,755
Netherlands	44,975
.....	.....
Greece	13,210

Total asylum claims for 2015: 1,321,050 (an increase of 111% compared to 2014).

The main countries of origin of asylum seekers in the European Union were the following: Syria, Afghanistan, Iraq, Kosovo, Albania, Pakistan, Eritrea, Nigeria, Serbia, Iran, Russia, Somalia and Ukraine.

### Statistical information on Asylum in Europe – σεψωνδ quarter 2016

[http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum\\_quarterly\\_report](http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report)

## THE ASYLUM SERVICE

### “What is the mission and functions of the Asylum Service?”

The Asylum Service was established under Law no. 3907/2011<sup>5</sup>. It is in charge of the examination of international protection claims. It forms part of the Ministry of Migration Policy and started operating on 07/06/2013.

The Asylum Service, as part of its mission, is especially responsible for the following:

- supporting the planning and drafting of a national policy on granting asylum or other forms of international protection, as well as monitoring and evaluating the implementation of this policy,
- receiving, examining and deciding upon international protection claims in the first instance,
- informing international protection claimants on the examination process of their claims, as well as on their rights and obligations during that process,

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<sup>5</sup> Law no. N.3907/2011 Official Government Gazette A-7/26.01.2011 entitled “Establishment of an Asylum Service and a First Reception Service, adaptation of the Greek law to the provisions of the 2008/115/EC Directive «relating to the common rules and procedures applied by the member states regarding the return of illegally resident third country nationals» and remaining provisions”. It has now been replaced with Law 4375/2016.

- collecting and evaluating information regarding the economic, social, and political situation in the countries of origin of the third-country nationals, as well as continuously monitoring any developments occurring in these countries, cooperating for this purpose with Greek and other authorities, especially pursuant to international agreements,
- supplying international protection claimants, as well as beneficiaries of international protection, with all necessary legal and travel documents as provided by law.
- processing of refugee family reunification claims,
- facilitating asylum seekers regarding material reception conditions in collaboration with other responsible actors,
- preparing legal texts and administrative acts on issues of its competence and
- cooperating with local actors, independent authorities and non-governmental organizations, EU organs and organizations, as well as international organizations in order to accomplish its mission in the most efficient way.

#### **“What is the structure of the Asylum Service?”**

The Asylum Service is composed of the Central Administration, situated in Athens, and Regional Asylum Offices and Asylum Units around the country that are gradually put into operation.

#### **"Which Regional Asylum Offices are currently in operation?"**

On 11 July 2013, the Asylum Unit of Fylakio (former Northern Evros) started to register its first claims for international protection, at Fylakio. On 29 July 2013, the Regional Asylum Office of Thrace (former Southern Evros) became operational while, on 15 October 2013, one more Regional Asylum Office, on the island of Lesbos at Moria, also became operational. In 2013, the Asylum Units within the Detention Centres of Amygdaleza and Xanthi became operational. In 2014, the Regional Asylum Office of Rhodes started its operation. On 7 July, the Regional Asylum Office of Thessaloniki became operational and, on 7 January 2016, so did the Regional Asylum Office of Samos.

In addition, on October 2016 the Regional Asylum Office of Patra started its operation (it has been functioning up to now as an Asylum Unit) and in the near future another Unit will start operating in city of Herakleio on Crete. Asylum Units on the islands of Chios, Leros and Kos have already become operational.

#### **“How is the Asylum Service staffed?”**

The Asylum Service is headed by a Director, who is appointed by the Minister of Migration Policy. He/she is a highly esteemed figure, having a university degree and management skills. The Asylum Service is staffed by civil servants, who are appointed, transferred or seconded from other departments of the state, the broader public sector, or public legal entities, or by persons hired as permanent employees or under contract, in accordance with the relevant provisions in force.

**“What is the Appeals Authority?”**

Asylum seekers, whose claims have been rejected at the first instance, have the right, according to the law, to appeal against the decision rejecting their claim within a specific period of time. These appeals are heard by the competent body established by Law 4375/2016 and the amendment contained in Article 86 of Law 4399/2016.

**“What kind of training is provided to the staff of the Asylum Service and the Appeals Authority?”**

Considerable emphasis is given to the training of the staff of the Asylum Service in relation to the legal framework applicable to granting international protection as well as to more technical matters (interview techniques, evidence assessment, collection and evaluation of information on the countries of origin of the claimants, handling of cases of vulnerable persons, unaccompanied minors, etc. The European Asylum Support Office (EASO) provides the training through the EASO Training Curriculum aiming, as far as possible, at the uniform training in asylum matters of staff of the EU member states. In parallel, the UNHCR assists in the training of staff through organizing seminars and providing educational materials.

Proper training of the staff is considered key, as it has proven to be a fundamental guarantee of a fair and efficient system of international protection.

**"What happens with the asylum claims that have been registered in the past?"**

The Asylum Service undertakes only the examination of claims for international protection submitted to the Service since it began its operation (7 June 2011). Previous applications remain under the competence of the Greek Police.

**"How is the budget of the Asylum Service being funded?"**

43% of the Asylum Service's annual budget is covered from State funds. The Asylum Service is funded to the tune of 57% of its budget by the EU's AMIF, by EEA (Norway, Liechtenstein and Iceland) and other European and international funding sources.

Some of the Asylum Service's activities are supported financially by UNHCR and the Organization "SOLIDARITY NOW".

