



GREEK
COUNCIL
FOR
REFUGEES

Know your rights in immigration detention



Why am I detained?

According to Greek law, third country nationals can be detained in order to be returned to their country of origin or a third country (eg Turkey), or for the examination of their asylum claim.

In any case, the police must provide you with a written detention decision explaining the reasons why you are detained. You have the right to ask the

Police to translate/explain key points of the decision in a language you understand. If you suffer from health problems (e.g. serious illness and/or disability, mental health issues, if you are pregnant, if you take medication etc.) you should inform the police and ask to see a doctor.

You have the right to consult a lawyer at your own expense anytime during your detention. You have the right to appeal to the Court against your detention. The State does not provide free legal aid to challenge detention. However, some organizations may be able to provide you with free legal services (lawyer free of charge). Contact them to find out if they can help.

You can find a list including organizations offering legal services in the following link:

<https://help.unhcr.org/greece/where-to-seek-help/other-services/>



Inform your friends and/or relatives regarding the detention facility where you are detained, so that they can seek help for you.



Try to **seek assistance from a lawyer** as soon as possible.



Collect all the documents given to you by the Police as well as any other personal document (e.g. ID) that might be useful.



You have the right to request asylum while in detention

Every person in detention awaiting removal/deportation has the right to apply for asylum. **You don't need a lawyer to request asylum.**

While in detention, **you should notify the police about your desire to seek asylum (ASILO).** The police must register your request and inform the Asylum Service.

From the moment you declare your wish to apply for asylum, you are protected from deportation (forceful removal to your country) until you receive the first instance decision on your application. If your asylum application is rejected, you may still have the right to remain in Greece while you appeal this decision. Ask the Asylum Service about this.



Asylum procedure in detention

After you tell to the Police you wish to apply for asylum, the Asylum Service will register your application and will provide you with a date for your interview.

This interview is very important for determining the outcome of your application. During the interview you have to explain, clearly, and in detail, why you were forced to leave your country and why you don't want to return. If you consider that you are in danger in your country, please explain in detail all the reasons. Your lawyer is allowed to be present during the interview.

1

During all the stages of the examination of your asylum application, you have the right to ask for an interpreter from the Asylum Service. If you don't understand the interpreter, you should inform the Asylum Service and can ask for someone you can understand.

2

The asylum procedure is confidential and secret. Whatever is mentioned during the examination of your asylum application, should not, under any circumstances, be communicated to the authorities of your country of origin.

3

If you have in your possession identity documents, medical documents or other type of document, you should submit them to the Asylum Service.



Following your interview, the Asylum Service will issue a decision (First instance decision). They are obliged to inform you of the content of the decision in a language you understand as well as regarding the deadline to appeal against the decision, if the decision is negative.

If the decision is positive, you will then be released from detention. The Asylum Service will inform you about the residence permit procedure you will have to follow.

If the decision is negative you have the right to appeal. In some instances, after the first negative decision you are not protected from deportation. In this case, together with the appeal against the negative decision, you also have to ask not to be returned until the second instance decision is issued.

The deadline for the submission of the appeal **is mentioned in writing at the end of the first instance negative decision**. If you lodge an appeal, your application for asylum will be re-examined by the Appeals Authority on a certain date.



ATTENTION!

Ask from the Asylum Service to provide you with a lawyer free of charge in order to submit an appeal.

It is highly important to be assisted by a lawyer in order to lodge an appeal. The Asylum Service is obliged to provide you with a lawyer free of charge in order to appeal, if you ask.

Ask the Asylum Service to provide you with a lawyer free of charge, if you ask. If they don't provide you with a lawyer and you end up submitting the appeal on your own, ask the Asylum Service to mention in your appeal that you weren't provided with a lawyer even though you requested one.

The Appeals Committee will usually not invite you to the hearing. Your appeal will be examined on the basis of what you have already said in the main interview and the reasons you mentioned in your appeal. If you have additional information, you should submit it to the Appeals Committee with the assistance of a lawyer no later than three days before the date of your appeal.

If the decision of the Committee (Second Decision) is positive, you will then be released from detention and you will be provided with a residence permit in Greece.

If the second decision is negative you have the right to appeal in court. You will need a lawyer for this. Some organizations may be able to provide you with free legal services depending on their availability. Contact them to find out if they can help.

You can find a list of organizations that provide legal support at: <https://help.unhcr.org/greece/where-to-seek-help/other-services/>

You cannot be detained for longer than the maximum time period prescribed by law.

According to Greek law, **the maximum pre-removal detention period cannot last more than six (6) months**. In exceptional cases, this period of time can be extended up to a total of eighteen (18) months from the day of your arrest.

If you are detained for the purpose of the examination of your asylum claim, you may be held, initially, for up to 50 days. This period can be extended up to 18 months from the day your asylum application was submitted.

Delays on the part of the Police or the Asylum Service cannot justify your prolonged detention.



Your Right to family Reunification

If you are an **adult** and

- your husband/wife and/or
- your minor children

If you are an **unaccompanied minor** (under 18 years old) and

- your mother and/or
- your father and/or
- your siblings and/or
- your aunt or uncle

are residing in another EU country, Switzerland or Norway, under certain protection status (asylum seeker, recognized refugee, etc.) you have the right to ask for your reunification with them in their country of residence.

The Asylum Service carries out the family reunification process. When you lodge your asylum application before the Asylum Service, notify them that you wish to be reunited with members of your family and give details regarding their country of residence and their status. It is always useful to have **copies of the legal documents of your family members** within the EU country they reside, as well as **documents proving your relationship to them** (eg birth certificate, marriage certificate, etc.).

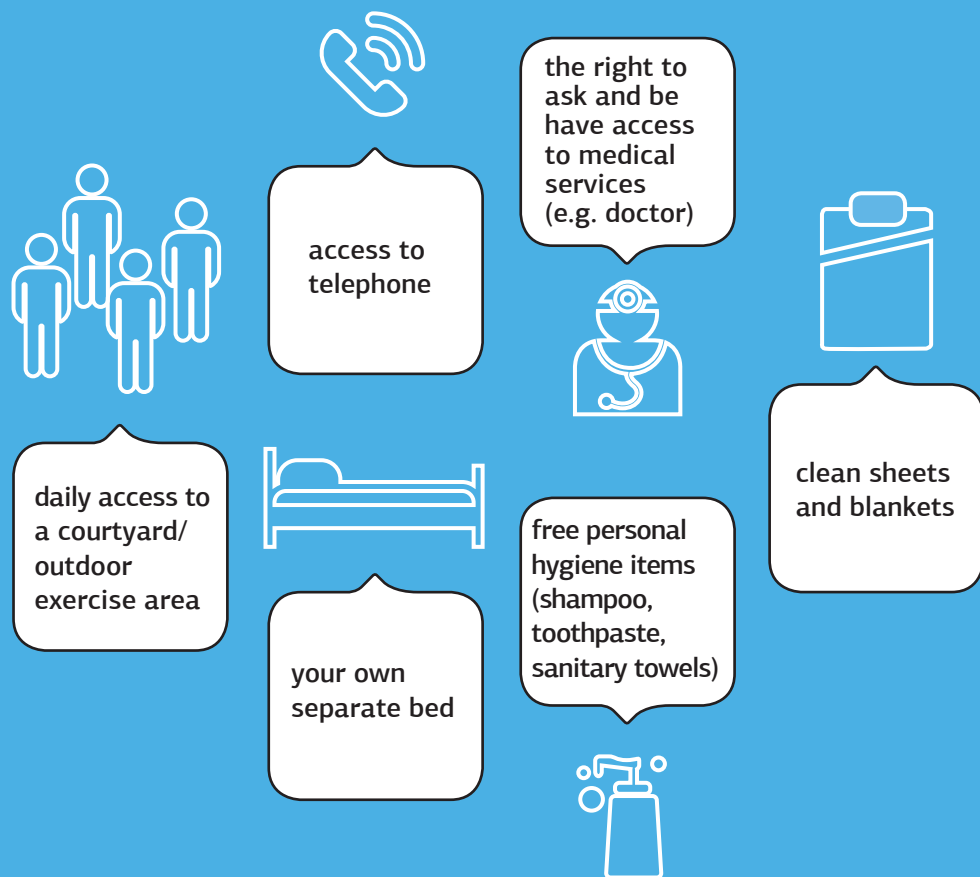
If you are an unaccompanied minor, i.e. you are under 18 years of age, and your parents are not in Greece, you will be transferred from detention to an open accommodation site as soon as possible. The time until your transfer depends on the capacity of these accommodation facilities for unaccompanied minors. Delays are very common.

If you are an unaccompanied minor and you have been mistakenly registered by the Police as an adult, please inform every responsible person in the detention facility (e.g. doctor, social worker, Asylum Service and the Police.) regarding your actual age and if possible, show any documentation proving your actual age (e.g. birth certificate, family book or other).



Humane and dignified detention conditions

For as long as you remain in detention you are entitled to **humane and dignified detention conditions**. These include:



During your detention, **you have the right to be visited by friends and/or relatives**. Ask the Police for the visiting hours and procedures.

Friends and relatives can send you money, while you are in detention. Check with the Police for the exact procedure.

You have the right to be treated with respect. Ill-treatment of detainees, as well as any behavior or act of racism, discrimination or xenophobia is forbidden by law.

You have the right to report to the Ombudsman your conditions of detention, possible ill-treatment and/or racist behavior.

The Ombudsman is an **independent authority** that will investigate your report.

You can submit your report on your own at the Ombudsman's offices (17 Halkokondyli Street, Postal Code 104 32 Athens) following your release from detention or

- via internet at <https://www.synigoros.gr/?i=submission-system.en>
- via post at the address 17 Halkokondyli Street, Postal Code 104 32 Athens or
- via fax at (+ 30) 213 1306 800 or (+ 30) 210 7292 129.



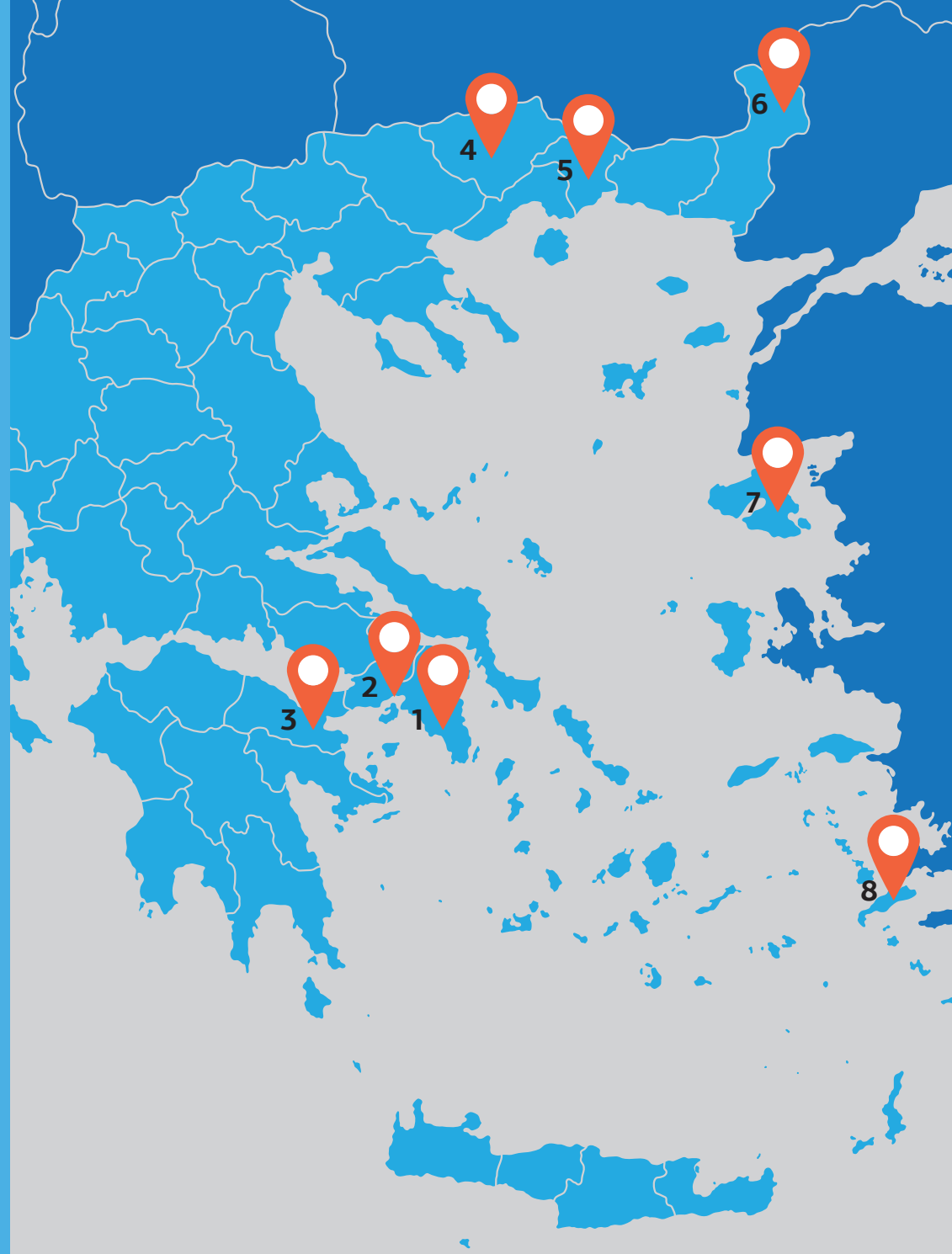
You should know that conditions may differ from one detention facility to another. In practice, many of the services that should be available (interpreter, doctor, etc.) may be very limited or entirely absent.

In this website <https://borderlandscapes.law.ox.ac.uk/>, you can find information regarding detention conditions in several detention facilities and report your own detention conditions.

Where am I detained? In Greece, in December 2019, there are 8 Pre-removal Detention Centres (PROKEKA).

1. **Tavros PROKEKA:** Petrou Ralli str., Athens, PC 118 54
2. **Amigdaleza PROKEKA:** 101, Leoforos Thracomakedonon, Acharnes, PC 136 74
3. **Corinth PROKEKA:** 3, Examilion str., Corinth, PC. 20100
4. **Paranesti PROKEKA:** Paranesti, Drama, PC 660 35
5. **Xanthi PROKEKA:** Xanthi, PC 671 00
6. **Orestiada PROKEKA:** Orestiada, PC 680 06
7. **Moria PROKEKA:** Lesvos island, Moria, PC 811 00
8. **Kos PROKEKA:** Kos island, Pyli, PC 853 01

Apart from the above detention centres, foreign citizens are also detained in police stations and other police buildings throughout the country.



Laws and rules change frequently on immigration and asylum matters so it is important to try to get reliable legal advice. Try to stay well-informed about the procedures and your responsibilities so that you don't face any rejections.

Post-release

If you have not applied for asylum while in detention, the Police will provide you with a document allowing you to stay in the country for a limited time period. After this period, you may be arrested and detained again, if, in the meanwhile, you have not applied for asylum or another type of residence permit.

After your release you can apply for asylum at the Asylum Service. You can find information on where you can apply for asylum at: <https://migration.gov.gr/en/gas/>

If you apply for asylum in detention, and your asylum claim is still pending when you are released, you will be given a document to appear before the competent Asylum Office. Make sure you understand the obligations you are under (e.g. appear before the Asylum service at the given date), otherwise, the examination of your application may stop or your application may be rejected.





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