

GREECE

Greece is a state party to the United Nations Convention Relating to the Status of Refugees and its Protocol, as well as to the International Covenant on Civil and Political Rights and its First and Second Optional Protocols. Asylum seekers filed 3,083 applications for asylum during 2000; at the end of the year, 392 applicants were awaiting decision.¹ At the end of 2001, Greece hosted about 6,224 persons with pending asylum applications. About 5,500 persons applied for asylum in Greece in 2001, a 78 percent increase from the 3,083 who applied in 2000.² In the first quarter of 2002, 1,532 individuals applied for asylum.³ No information was available on the number of asylum seekers detained.

A new Alien Law was passed in 2001, and entered into effect in June, 2001. While asylum seekers are technically exempt from the new law, NGOs reported that in practice authorities often deny undocumented asylum seekers the opportunity to apply for asylum as a result of failing to distinguish between undocumented asylum seekers and other illegal migrants.⁴ As detailed below, the new law provides for court review of detention, and limits on the period of detention from 15 days to 3 months. These and other provisions were the result of intense advocacy by human rights groups.

Asylum seekers who apply at the border are held pending the outcome of the accelerated procedure, which may take from one to fifteen days, depending on whether an appeal is filed. In airports, detention facilities are surveillance areas monitored by the police, with meals and a wash room; men and women are usually separated.⁵

¹ U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2001 at 230, *available at* <http://preview.refuges.org/world/worldmain.htm> (Immigration and Refugee Services of America 2001) [hereinafter USCR WORLD REFUGEE SURVEY 2001].

² U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2002 at 186-187, *available at* <http://www.refugees.org/WRS2002>. (Immigration and Refugee Services of America 2002) [hereinafter USCR WORLD REFUGEE SURVEY 2002].

³ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, ASYLUM TRENDS IN 28 INDUSTRIAL COUNTRIES: JANUARY TO MARCH 2001—JANUARY TO MARCH 2002, *available at* <http://www.unhcr.ch/cgi-bin/texis/vtx/home/+2wwBmelFXx8wwwwwwwwwhFqAIRERfIRfgItFqA5BwBo5Boq5AFqAIRERfIRfgIcFqF+8afDm15BGowcoSnmagd1DBGon5Dzmxwwwwww/opendoc.pdf> (June 13, 2002) (last accessed Aug. 29, 2002) [hereinafter *Asylum Trends in 28 Industrialized Countries*].

⁴ USCR WORLD REFUGEE SURVEY 2002, *supra* note 2, at 187.

⁵ DANISH REFUGEE COUNCIL, LEGAL AND SOCIAL CONDITIONS FOR ASYLUM SEEKERS AND REFUGEES IN WESTERN EUROPEAN COUNTRIES at 126-128, *available at* <http://www.english.drc.dk/publications/> (May 2000) [hereinafter DRC W. EUR. REPORT 2000].

Authorities may detain those who have been arrested for illegal entry before applying for asylum and rejected asylum seekers awaiting deportation.⁶

Asylum seekers not subject to detention must reside at a location chosen by them or assigned by the authorities for the duration of the processing of their claim. Failure to report any change of address to the police may result in the interruption of consideration of the application. Human Rights Watch has documented extremely substandard conditions of detention for undocumented migrants in police detention facilities in Athens.⁷ The Greek national ombudsman has publicly criticized these substandard conditions.⁸ The European Court of Human Rights in 2001 held that the conditions in two detention centers in Athens were inhumane and degrading.⁹

In the immediate aftermath of the September 11 attacks in the United States, certain migrant groups arriving by boat to Greece were given fifteen-day expulsion notices, without the right of appeal or the ability to apply for asylum.¹⁰

Amnesty International reports that in the first half of 2001, deportable asylum seekers and asylum seekers awaiting decisions on their applications were detained without judicial review. In June 2001, the new Alien Law came into effect, providing for the right to seek judicial review of detention, and limiting the period of detention to 3 months.¹¹

The European Council on Refugees and Exiles has reported that in the second half of 2001, the government created new reception centers and introduced a program of

⁶ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, RECEPTION STANDARDS FOR ASYLUM SEEKERS IN THE EUROPEAN UNION at 104 (July 2000) [hereinafter UNHCR EU REPORT 2000].

⁷ Human Right Watch Letter, *Third Periodic Report of Greece(due 1997)* (Apr. 23, 2001), available at http://213.74.176.138/issues/Greece/Third_Periodic_Report_of_Greece.htm (last accessed Aug. 29, 2002).

⁸ Human Rights Watch Letter, *E.U.: Protect the Rights of Migrants and Asylum Seekers in Seville Policy Proposals* (June 13, 2002), available at <http://www.hrw.org/press/2002/06/eu-ltr0613.htm> (last accessed Aug. 29, 2002) [hereinftr Letter to E.U. Heads of State].

⁹ USCR WORLD REFUGEE SURVEY 2002), *supra* note 2, at 187-8.

¹⁰ Letter to E.U. Heads of State, *supra* note 8.

¹¹ Amnesty International, Report 2002, 'Greece', available at <http://web.amnesty.org/web/ar2002.nsf/eur/Greece!Open> (last accessed Aug. 27, 2002) [hereinafter Amnesty 2002 Greece].

integration for homeless and other vulnerable asylum seekers.¹² Preference in the reception centers is given to members of vulnerable groups, such as unaccompanied minors, the elderly, families with many children and single parents.¹³ Asylum seekers residing in the reception center must be granted permission to leave the center.¹⁴ NGOs give limited assistance in arranging other accommodations.¹⁵ Asylum seekers are entitled to free medical care, and members of vulnerable groups are entitled to financial assistance.¹⁶ The provision of language interpretation services for arriving asylum seekers has been criticized as highly inadequate.¹⁷

Is there an independent review of detention decision? Yes.

Administrative acts, including detention, are subject to judicial review to determine lawfulness.¹⁸

The new Alien Law, which went into effect in 2001, provides that the decision to detain may be challenged in Administrative Court. Since the new law came into effect, the court has typically upheld the police recommendation to detain, overruling that initial decision in only a few cases. The appeal is not automatic but must be raised by the detainee. The judge is obliged to decide the matter within a short time-frame.¹⁹

Are there limits on period of detention? Yes; 15-day limit for accelerated procedure cases; 3 months in other cases.

¹² EUROPEAN COUNCIL ON REFUGEES AND EXILES, COUNTRY REPORTS 2001 at 97, available at <http://www.ecre.org/publications/countryrpt01.shtml> [hereinafter ECRE REPORT 2001].

¹³ DRC W. EUR. REPORT 2000, *supra* note 5, at 132.

¹⁴ UNHCR EU REPORT 2000, *supra* note 6, at 104.

¹⁵ *Id.* at 101-102; DRC W. EUR. REPORT 2000, *supra* note 5, at 132.

¹⁶ DRC W. EUR. REPORT 2000, *supra* note 5, at 133-34.

¹⁷ E-mail from Erika Kalantzi, lawyer working with UNHCR in Athens, Greece to Hessam Kalantar, Debevoise and Plimpton (Aug. 2, 2002) (on file with Debevoise & Plimpton)[hereinafter Athens Correspondence (Aug. 2, 2002)].

¹⁸ DRC W. EUR. REPORT 2000, *supra* note 5, at 130.

¹⁹ E-mail from Erika Kalantzi, lawyer working with UNHCR in Athens, Greece to Jaya Ramji, Debevoise and Plimpton (Jan. 16, 2002) (on file with Debevoise & Plimpton)[hereinafter Athens Correspondence (Jan. 16, 2002)].

Prior to the new Alien Law, asylum applicants arrested for an illegal stay could be detained during the entire period that their application is pending. According to the Danish Refugee Council, the constitutionality of this provision has been challenged.²⁰

Applicants at border entry points are referred to an accelerated procedure and may be held in the transit zone for a maximum of fifteen days. While general limits are provided for in the Greek Constitution on “lawful conditions for arrest and detention,” prior to the new law there was no specific provision on length of detention for detained asylum seekers.²¹ Detainees who cannot be removed to their home countries could remain in detention indefinitely.²² However, pursuant to the new Alien Law, there is currently a 3 month limit on detention.²³

Amnesty International reported in early 2002, though, that scores continued to be held illegally after the effectiveness of the new Alien Law.²⁴

Is there periodic review of detention? No.

Asylum detainees are entitled to oppose detention in Administrative Court, as described above.²⁵ There is no further review of the decision to detain, although repeated requests for review can be made provided new elements are set forth in the request.²⁶

Alien authorities make their own recommendations to the Ministry of Public Order for release of certain detainees.²⁷

Is there access to government-funded legal aid? No.

²⁰ DRC W. EUR. REPORT 2000, *supra* note 5, at 127.

²¹ *Id.* at 126, 130.

²² Human Rights Watch, *Urgent Concerns: Condition of Detention for Foreigners in Greece* (Dec. 2000), available at <http://www.hrw.org/backgrounder/eca/greece-detention-bck.htm> (last accessed Aug. 29, 2002) [hereinafter *Urgent Concerns*].

²³ Athens Correspondence (Jan. 16, 2002), *supra* note 19 (according to Article 44 para. 3 of Aliens Law 2910/2001).

²⁴ Amnesty 2002 Greece, *supra* note 11.

²⁵ Athens Correspondence (Jan. 16, 2002), *supra* note 19.

²⁶ Athens Correspondence (Jan 16, 2002 and August 2, 2002), *supra* notes 17 and 19 (according to Article 243 para. 6 of the Code of the Administrative Review).

²⁷ *Urgent Concerns*, *supra* note 22.

There is no government-funded legal aid scheme for asylum seekers in Greece.²⁸ The Athens Bar Association has established a legal aid network for indigent aliens. Several NGOs, including the Greek Refugee Council (GRC) and the Greek Red Cross, also provide legal assistance to asylum seekers.²⁹ It has been reported, however, that in some instances police have denied access to lawyers.³⁰

Vulnerable groups: The detention of unaccompanied minors is very rare.³¹ Unaccompanied minors' cases are referred to the Minors' Prosecutor, who decides whether appointment of a guardian is warranted. In practice, applications by unaccompanied minors are given priority examination. There are limited benefits available to unaccompanied minors, including financial assistance and help with accommodations, either at the government-run reception center or alternative locations, such as youth hostels.³²

²⁸ *Id.*

²⁹ DRC W. EUR. REPORT 2000, *supra* note 5, at 129.

³⁰ Athens Correspondence (Aug. 2, 2002), *supra* note 17.

³¹ UNCHR EU. REPORT 2000, *supra* note 1, at 103.

³² DRC W. EUR. REPORT 2000, *supra* note 5, at 130, 132-34.