

Country factsheet Greece

Based on its 2010 Work Programme, the European Union Agency for Fundamental Rights (FRA) carried out a study on access to justice for asylum seekers. This study illustrates the perspective of asylum seekers on two specific issues relating to the asylum procedure, namely information on the procedure itself and access to remedies against a negative decision.

The FRA interviewed almost 900 asylum seekers throughout the European Union. The information received has been analysed taking into account the relevant national legal provisions and the responses to a questionnaire on information received from national asylum authorities. The research has resulted in two comparative reports, the first on the duty to inform and the second on access to effective remedies.

This factsheet complements these two comparative studies by providing some basic background information, including statistics and relevant domestic legal provisions relating to the issues covered in the two reports.

1. Statistics

Statistics on asylum applications (Total and top 10 nationalities)

2009 Top 10 Nationalities		2008 Top 10 Nationalities	
Total	15,925	Total	19,885
Pakistan	3,715	Pakistan	6,915
Georgia	2,170	Afghanistan	2,285
Bangladesh	1,810	Georgia	2,240
Afghanistan	1,510	Bangladesh	1,780
Syrian Arab Republic	965	Iraq	1,760
Iraq	885	Syrian Arab Republic	810
Nigeria	780	Nigeria	745
Albania	515	Senegal	385
China (including Hong Kong)	390	Iran (Islamic Republic of)	310
Senegal	335	India	225

Statistics on first instance asylum decisions (Total positive decisions - top five nationalities)

2009							
	Geneva Convention Status	Subsidiary protection status	Humanitarian ¹	Rejected	Total number of decisions	Total positive decisions	Recognition rate ² %
Total	35	105	25	14,185	14,355	165	1.1
Iraq	10	15	10	875	905	30	3.3
Iran (Islamic Republic of)	5	25	0	300	330	30	9.1
Afghanistan	0	15	0	1,580	1,600	20	1.3
Turkey	5	5	0	50	55	10	18.2
Nigeria	0	5	0	710	720	10	1.4

Statistics on final decisions (Total positive decisions - top five nationalities)

2009							
	Geneva Convention Status	Subsidiary protection status	Humanitarian ¹	Rejected	Total number of decisions	Total positive decisions	Recognition rate ² %
Total	30	15	0	2,065	2,105	40	1.9
Afghanistan	10	5	0	70	85	15	17.6
Iraq	10	5	0	55	70	15	21.4
Turkey	5	0	0	5	5	5	100.0
Sudan	5	0	0	5	5	5	100.0
Pakistan	0	0	0	950	950	0	0.0

Notes: These tables are based on categories used by Eurostat. The way Eurostat presents its data may not necessarily correspond to categories used at national level. This can particularly be the case with statistics provided under 'humanitarian status'. For more detailed understanding of the data, the reader is invited to consult national statistics.

Data has been rounded to the nearest 5. Due to the rounding, the sum of individuals may not necessarily match the given total. Data is rounded to the nearest 5; 0 means less than 3; n.a. = not available.

¹ *Covering persons granted authorisation to stay for **humanitarian reasons** under national law by administrative or judicial bodies. It includes persons who are not eligible for international protection as currently defined in the first stage legal instruments but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments.*

² *The **recognition rate** corresponds to the proportion of positive first instance or final on appeal decisions out of the total number of decisions in 2009. Positive decisions include the provision of refugee status, subsidiary protection and humanitarian protection (where data is available).*

Source: [Eurostat](#), Data extracted on 01 September 2010.

2. Background Information

Asylum legislation¹

[Presidential Decree 90/2008 on the Harmonisation of the Greek legislation with the provisions of the Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status \(L 326/13.12.2005\)](#)

[Presidential Decree 81/2009 amending Presidential Decree 90/2008](#)

Asylum authorities

First instance authority

Directors of the Directorates for Aliens of Attica and Thessaloniki and the Directors of Police Directorates (at the place where the asylum application is lodged), Headquarters of Hellenic Police, [Ministry of Citizen's Protection](#)

Second instance authority

[Council of State](#) (4th Section)

3. Duty to inform asylum seekers

Article 8 of PD 90/2008 guarantees to asylum seekers the right to be informed about the procedure to be followed and of their rights and obligations during the procedure as well as of the possible consequences for not complying with their obligations and not cooperating with the authorities in time and in a language, which they may reasonably be supposed to understand.

In May 2010, the Ministry of Citizen's Protection provided the following information to the FRA as regards written information materials.

Written information materials	Information leaflet translated into 5 languages.
Provided when?	At the time of lodging the application. Information material is provided also to aliens in detention pending deportation.
Provided by whom?	Competent police officer who registers the application with the presence of an interpreter. UNHCR and NGOs participate in providing information to asylum seekers with the support of state funding.
Has an evaluation of information tools been carried out?	No.

¹ The legal information in this factsheets has been updated to reflect the situation on 1 September 2010.

4. Effective Remedy

Type of procedures

An asylum application may be declared inadmissible, in several cases, including Dublin II or cases of identical application lodged after the issuance of a final decision (Article 18 PD 90/2008). An accelerated procedure is used for asylum applications considered to be manifestly unfounded (e.g. a subsequent application raising no new relevant elements), or for applicants coming from a safe country of origin or from a safe third country (Article 17(3)). The examination of the application in the accelerated procedure shall be completed within 30 days from its submission (Article 17(4)). The regular procedure shall be concluded within six months. If this will not be the case, the asylum seeker shall be informed of the time-frame for taking a decision (Article 17(2)). An application may be prioritized when it may reasonably be considered to be well-founded, or when the applicant belongs to a vulnerable group (Article 8(2)). A special procedure exists for the examination of subsequent applications (Article 23) and applications lodged at land, at sea or air border (Article 24).

Duty to state reasons for rejection and procedure to appeal

Article 2 of PD 81/09 (which replaced the Article 7(3) PD90/2008) states that in case of rejection of the asylum application, the reasons in fact and law shall be stated in the decision. The asylum seeker shall be informed of the result of the asylum procedure in a language that s/he may reasonably be supposed to understand when s/he is not assisted or represented by a legal adviser or other counsellor and when free legal assistance is not available. Article 8(1)(e) PD 90/2008 entitles the asylum seeker to be informed on how to challenge a negative decision. The only available remedy against a negative decision is a complaint lodged with the Council of State (Article 2 PD 81/2009).

Time limits for appeal and right to remain in the country during appeal

Type of procedure	Time limits	Right to remain
General rule (applies to any negative decision issued in an accelerated, border, subsequent applications and admissibility procedure)	60 days (Art. 2 PD 81/2009, Art. 46 PD 18/1989)	No automatic suspensive effect of the deportation order delivered along with the negative decision on the application. Request for suspension filed with the Suspensive Committee does not have automatic suspensive effect unless a provisional suspension order is issued by the judge (Art. 52 PD 18/1989).

Legal aid

Complainants have to be represented at the proceedings before the Council of State by a lawyer (Article 26 PD 18/1989). Article 11(2) PD 90/2008 stipulates that the asylum applicant who files an annulment application against the negative decision is provided with free legal aid in accordance with Law 3226/2004 (Law 3226/2004 (OG A' 24) on Legal aid for low income persons). According to Article 2 of the Law 3226/2004 a complainant who wants to benefit from the legal aid scheme needs to file an application to the competent court stating briefly the subject-matter of his/her claim as well as the fact that s/he lacks any income and the relevant evidence. A judge decides as to whether the applicant should be granted legal aid. Furthermore, Article 11(2) PD 90/2008 requires the annulment application to be admissible and not manifestly unfounded in order for legal aid to be granted.

Language assistance

By law, appellants should be provided with the services of an interpreter in order to submit their application for annulment, if appropriate communication cannot be ensured without such services. The interpreter's costs shall be paid for out of public funds (Article 8(1)(b) PD 90/2008).

Hearing

The Council of State has jurisdiction to review only the legality of the decision by the determining authority and does not review the facts. The appellant may not appear in person before the Council of State but s/he may be represented by a legal counsellor (Article 26 PD18/1989).