

The detention camps on the Greek islands of Kos and Leros

Episode 3/7. The asylum procedure on the islands of Kos and Leros

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- **Speaker 1** (in french) : All I can say about this whole system is...

the fault lies with Europe... because all European countries are well aware of what is going on here ; because where do you think the money is coming from ? The European Union is financing the new camps.

- **Voice-over 1** (in french) : “Detention camps on the islands of Kos and Leros in Greece” a podcast from the Migreurop network and the Gisti edited by the radio studio la Parole errante. You can listen to the episodes with subtitles on the migreurop.org and gisti.org websites.

After two visits to the hotspots of Lesbos and Chios in 2016, then, to Samos in 2019, the Migreurop network and Gisti went to the islands of Kos and Leros in 2021.

This podcast gives voice to exiles stranded in these islands, and to those who work or stand alongside them, in order to highlight and denounce the hotspot system.

In the first two episodes, reporting focused on the detention conditions in the camps of Kos and Leros.

This third episode explores the workings of the asylum application procedure on these islands.

- **Voice-over 2** (in french) : There is a specific ‘border procedure’ used on the 5 Greek islands closest to Turkey. It is called « border procedure ».

People who arrive on the islands undergo a screening interview during which they are subject to a superficial assessment of their circumstances, before being immediately detained.

Detention on account of illegal entry lasts 18 months, a period which can be extended by a further 18 months for the reason of unauthorised stay, so a total of 36 months of detention.

In Kos, on the harbour, we met Wayne, who worked into the camp.

- **Wayne** (in french) : In 2019 the procedure was very slow. You had to wait to be invited for a "little interview" with the asylum service. That took time... some might wait for one year. Others could wait 6 months, 8 months, or even spend 2 years waiting. Just for the "little interview", just to give your personal details. Religion, father's name, mother's name, and the reason you left your country. And in which language you want to do your interview. And also if you want your interviewer to be a woman or a man, or for the interpreter to be a man or woman.

- **Voice-over 2** (in french) : 2020 was a tumultuous year on the islands with the entry into force of a new law with very clear objectives: to speed up the processing of asylum applications and to allow for almost systematic detention of new arrivals.

According to a lawyer for the German NGO Equal rights beyond borders, who we met in Kos, only women or women with infants are not placed in detention.

Wayne describes to us what kind of information the UNHCR gives people who have just arrived on the island of Kos.

- **Wayne** (in french) : Listen well what they say... "Hello Madame, Sir, we are UNHCR, the United Nations High Commission for Refugees. We are here to give you information about your rights and duties. You are now in Greece, you are in Europe, you are in the Schengen zone. You are on the island of Kos, with geographic restrictions".

What does that mean ? You don't have the right to leave the island without valid documentation issued by the authorities, otherwise you will be arrested for violating the rules. And you will be placed in the detention centre.

People who have close family – father, mother, brothers, sisters – in another European country, they have the right to family reunion. And minors, they also have the right to family reunion.

They will also let you know that if you don't want to make a claim here in Greece, according to the Dublin Regulation, or the first country that you enter, that's where you should make your asylum claim. If you don't demonstrate a wish to do that to the Greek authorities, they can automatically send you back to Turkey.

You need to have clear communication with the authorities regarding your personal details, you really need to pay attention because if you make a mistake with your personal details it is really difficult to rectify it later without getting proof – documents – from your country, that means a passport or other ID card.

- **Interviewer 1** (in french) : How do you feel people's attention at that moment? At that point the information is useless, in my opinion.

- **Wayne** (in french) : It's useless because a person who is in a state of anguish, psychologically, the person isn't focused because they are surrounded by around twenty police officers as if they were talibans or I don't know what. No, nothing sinks in at that point. So you come, you talk, because they have to talk, they have to seem like they are doing something, but it's not the right time in my opinion for all that information.

And after that, with the new law, the next day you are invited to do your 'little interview', with no preparation, without seeing a lawyer, without anyone telling you what your rights are or anything about asylum.

- **Voice-over 2** (in french) : Wayne tells us about asylum interview conditions, that is, the interview during which the person explains why they are claiming asylum. This interview comes after the first 'little' or 'mini' interview. Like in France, the asylum interview is designed to trick people.

- **Wayne** (in french) : They have their basic set of questions and then the rest depends on your story. Do you understand ? They take your personal details, religion, age, and the reason you gave when you went to the little interview, and then they elaborate based on what you tell them. They go deeper. It's like writing a letter : introduction, main body, conclusion. They will ask you, first up, about where you come from. For example, 'I come from Lesbos' 'What is there on Lesbos ? Can you tell me a bit about the monuments, something about Lesbos ?' To verify that you really are from there. After that they will ask the same questions again about your personal details. They leave you, and then they ask if you have any ties, acquaintances, family links. And they are going to ask you why you left, but they aren't only interested in knowing why you left, but also why you can't go back ? That is the most important part.

- **Voice-over 2** (in french) : Ali, an exile from Togo, who we met in Kos, tells us about his experience.

- **Ali** (in french) : The asylum interview conditions are not good because there is so little time to explain yourself. Questions are asked really quickly, one after the next. You tell your story, but some people don't get to finish their story. During the questioning people get confused. Others have interpreter problems. Because some people understand English well. A French speaker who understands English well, the interpreter has to translate for the person asking the questions. Sometimes, in English, you say something different. The interpreter's version isn't always the same. Some people had their claim rejected because of the interpreter.

- **Voice-over 2** (in french) : Wayne explains to us what happens after the interview : since 2020, even those people who don't get asylum in Greece are no longer returned to Turkey.

- **Wayne** (in french) : Because now, with the new procedure it is fast, after one month you might be released with your residence permit. After a month you might have a result : negative, because according to the 2016 agreement between Europe and Turkey, 20th March 2016, normally these people should not be kept in detention, they should be sent back to Turkey. But since 2020, Turkey wanted to end the agreement. So for now the deal is not totally cancelled, but it is suspended.

- **Voice-over 2** (in french) : If the Greek authorities take the decision to reject an asylum claim, there is an appeal procedure. But this is very difficult to make use of on the islands, given the very short appeal period of 10 days. And the chances of success are almost nul, as confirmed by a lawyer from Leros who worked in the camp in 2019.

- **A lawyer** : As you may know, there are two stages in Greece concerning the asylum claim. The first one, where the claimant goes through the official interview, and it is examined and decided by a single employee of the Greek asylum service. And there is a second grade, where he has the opportunity to present his case before a special committee in Athens, which is comprised by three members, if I remember correctly. Two of them are administrative judges, and one of them is suggested by the HCR.

During my work as a legal aid practitioner, the percentage of success on the second grade was zero.

- **Voice-over 2** (in french) : The cruel lack of legal aid was evident from multiple sources. Laura, who also works in the Kos camp, confirmed this to us.

- **Laura** : Many people, many boys inside the pre-removal camp, are asking me : « Can I get a lawyer ? » « To defend myself, to make my claim, why not ? » « Why I cannot get a lawyer ? ». But you know with only Corina and Sophia for the whole camp, it's not enough. They are only doing specific cases.

Many people, especially the Pakistanis, they have been paid some lawyer but never got the job done. Here also in Kos.... They cannot do anything, 600 euros for nothing. 600 euros for a Pakistani is a lot of money, he's not eating to pay this money... They want, they wish to have a lawyer for that.

- **Voice-over 2** (in french) : Amina, a young woman from Cameroon arrived in Kos in August 2019 when she was 5 months pregnant. She went to her interview alone, without a lawyer or any information about the process. Her asylum claim was rejected, like most of those from Cameroon who arrive on the islands.

She tells us.

- **Interviewer 2** : Regarding your asylum procedure if we can ask ? How was it for you ? Who informed you about your rights, the interview, lawyer access ?

- **Amina** : Nobody. I had no lawyer. When I gave birth, they removed my name from the asylum procedures.

It was in 2019. My name was out, and then in 2020 I went there, they gave me the « Plus card », then they gave me a date for my interview, in 24th of March 2020. And after that, they gave me the first rejection, I had no lawyer.

- **Interviewer 2** : How did you prepare this interview ?

- **Amina** : I just went there, alone. So when I entered, my interviewer was speaking english, and then the interpreter too spoke in english, I was speaking english. But my interviewer was asking me when I was speaking, « what does this thing mean in english ? ». So it shows that she was not understanding english very well. So I believe that is where the problem arised. Because she was speaking english, I was speaking english, and then she brought in an interpreter in english. It means that she was not speaking english very well. So I believe that is where the problem arise.

- **Voice-over 2** (in french) : Naji, a Palestinian refugee, likewise had a bad experience with a lawyer.

- **Naji** : They gave me a lawyer. The lawyer took the money but didn't come. He took 2000 euros and never came, never called, nothing.

- **Interviewer 2** : You didn't speak with your lawyer ?

- **Naji** : What do you mean speak with my lawyer ? This is not a country for me. All is mafia...

- **Voice-over 2** (in french) : The testimonies we collected were consistent in saying that the asylum procedure was highly variable depending on the nationality of the person seeking asylum. For example, the procedure for Palestinians was much quicker than for other nationalities. This was the case for Mohamed, an exile from Palestine who we met on Kos.

Having left Gaza 4 years prior, he crossed 7 countries in order to arrive in Greece, in Athens. But in the Greek capital he found himself undocumented and without work. He was unable to make a claim for asylum. Mohamed then decided to travel to Kos on the advice of his friends. He got the refugee status in less than 2 months, which is not the case for Syrians, for example.

- **Mohamed** : After I went to Athens, by the bus. And from Athens, I bought a ticket to go by the ship, and I came to Kos. Because I had asked my friends there in Athens they told me the situation was good here now in Kos, for Palestinians. For this I came here now, as you see the situation is starting to (get better).

For Syrians it's very very difficult now, I don't know why, but it's difficult. For Syrians before, they got the documents, their asylum was accepted, but now it's very difficult for them. They stay 18 months in the closed camp. I have some friends there, and I go there to give them some clothes now. I try to help them as I can from here, because I know the situation inside is very very difficult, very difficult.

- **Voice-over 2** (in french) : An activist of Leros Solidarity, an organization providing material aid to refugees, also testifies to the same inequality of treatment between nationalities.

- **Activist of Leros Solidarity** : This woman from Palestine, with a six months old baby, came from Farmakonisi, and in two months, before two months, she took asylum. She got it immediately. Because she's Palestinian ? Yes. And people from Somalia got asylum quickly too.

- **Voice-over 2** (in french) : For others, the procedure will certainly lead to a refusal and then, if they cannot be sent back to Turkey, to indefinite detention.

Laura testifies.

- **Interviewer 2** : It's a crazy system !

- **Laura** : Actually, it's a lack of the system. It's like we have a hole and instead of making it at once, we throw a bit of dust inside, and then we have a hole again. 18 months and 18 again, what a ridiculous system ! For nothing. You keep people inside, and it's on the greek government expenses that these things are running, because it belongs to the police.

- **Interviewer 2** : You know in France the maximum detention for people without papers? It's 90 days.

- **Laura** : Yes it was like that here before too, 3 months, but now they changed it into 18. Then, they say that prison is full...Of course it's full.

- **Interviewer 2** : Yes, because normally this type of centers it's to arrest people, to keep and to deport. And not to keep, and stay here.

- **Voice-over 2** (in french) : We have seen in previous episodes how undignified the living conditions of asylum seekers are. This same indignity is also found in their administrative procedures. The most basic procedural rights are denied: lack of information or even false information, discriminatory treatment based on nationality and lack of impartiality, quasi-automatic detention with no prospect of deportation. Especially since access to proper legal assistance is almost impossible.

Asylum seekers are forced to make impossible choices: claim asylum and live in these camps, or return to the country they are fleeing.

- **Voice-over 1** (in french) : The asylum procedure in Greece, and in particular on the islands, is a real obstacle race. In episode 4, we will hear testimonies as to the role played by NGOs that are present on the islands of Kos and Leros.

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