



**Welcome the stranger.  
Protect the refugee.**

## **Criminal charges pressed against the asylum seekers who arrived in Lesvos in March 2020**

**July 6, 2020, Mytilene** - The public prosecutor of Mytilene, Lesvos, has pressed criminal charges against the asylum seekers who entered Greece through Lesvos between 1<sup>st</sup> of March and 1<sup>st</sup> of April 2020, during which time the Greek government had suspended the submission of new asylum applications in an unprecedented violation of international and European law<sup>1</sup>.

This group of asylum seekers - amongst them a mother who lost her child at sea while trying to reach Lesvos, persons with kidney failure, pregnant women and unaccompanied children - were not allowed to apply for international protection and were placed in administrative detention. They were initially detained in the inhuman and degrading conditions of a warship in the port of Mytilene and then, in the camps of Malakasa and Serres were they remained in detention until the beginning of April.

On the 7<sup>th</sup> of April, after the expiration of the relevant Emergency Legislative Decree, the press office of the Ministry for Migration and Asylum issued a statement declaring that finally, all asylum seekers that arrived during March would go through the asylum procedure<sup>2</sup>, partially restoring the injustice suffered by this group of asylum seekers.

However, the recent decision of the Public Prosecutor of Mytilene to press criminal charges for illegal entry against the arrivals of March- a decision that affects approximately 850 individuals<sup>3</sup> - adds one more injustice to the plethora of them already committed against these asylum seekers, including the denial of the right to international protection and detention in inhuman and degrading conditions

Criminal prosecution of asylum seekers for unauthorized entry, while the government itself had suspended submission of new asylum applications is illegal. "The Contracting States shall not impose penalties, on account of (...) illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened (...), enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause

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<sup>1</sup> See <https://www.bbc.com/news/world-europe-51695468>

<sup>2</sup> See <https://www.mitarakis.gr/gov/migration/1988-dt-grafeio-typoy-yma-apantisi-dimosieymata>

<sup>3</sup> 852 Individuals arrived in Lesvos during March 2020.

for their illegal entry or presence” states the article 31, paragraph 1 of the 1951 Geneva Convention Relating to the Status of Refugees<sup>4</sup>.

Pending criminal charges and possible criminal conviction of the asylum seekers also contradicts the demands of the Greek government for a relocation scheme, which would lead to a ‘fairer distribution of asylum seekers’ across the EU. Pending criminal charges will prohibit the asylum seekers from leaving Greece, while possible criminal convictions could become legal obstacles for the affected asylum seeker’s cases for relocation to the other EU countries. The cases of the unaccompanied minors who received criminal charges for illegal entry, have already been deprioritized in the lists for relocation to other EU countries, denying them the opportunity to leave the inhuman and degrading conditions of the Greek camps where they currently reside.

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<sup>4</sup> *The 1951 Geneva Convention Relating to the Status of Refugees* - <https://www.unhcr.org/3b66c2aa10>