

Press Release

Legal actors express serious concerns regarding the lack of state free legal aid for asylum applicants in Lesvos.

Mytilene, 11th of January 2021: Starting from today 11th of January, and for the first time in 4 months, the Regional Asylum Office of Lesvos will begin notifying applicants on Lesvos with first instance rejections and will also start accepting appeals against these decisions. However, the procedure is restarting without the guarantee of state free legal aid from the Register of Lawyers of the Asylum Service.

It is explicitly and emphatically reminded that the provision of free legal aid from the Register of Lawyers is an obligation of the Greek state and is clearly essential in order for the applicants to understand and exercise their legal rights and duties¹. Moreover, according to the law, the appeal should **clearly specify the reasons** on which it is based, otherwise it will be rejected as inadmissible². It is evident that without legal aid applicants cannot adequately articulate the legal and factual grounds on which their appeals are based, particularly taking into consideration the requirement that such appeals be submitted in writing in Greek language.

Further, due to the ongoing global pandemic and the tragic fire which destroyed Moria Camp on 09/09/2020, the Regional Asylum Office of Lesvos has informally suspended - without the issuing of a relevant legislative act, therefore infringing the vital principle of legal certainty - the deadline for the submission of appeals for the first instance rejections that had been notified until 08.09.2020. Meanwhile, the notification of rejections has been postponed for several months for all of the applicants on Lesvos, on the grounds that the in-person submission of appeals was impossible³, inside the deadline of 10 days from the notification of the decision, according to the provisions of the borders procedure.

Four months later, without any explanation or information being provided to the applicants, the Regional Asylum Office of Lesvos will resume notifying first instance rejections and will restart the deadline of submitting appeals against the decisions that were notified before 08.09.2020.

However, according to information received from the Regional Asylum Office of Lesvos, free legal aid from the Register of Lawyers of the Asylum Service is not available, presumably partly as a result of the inability of the Coordination Department of Legal Aid to function due to the recent restructuring of the Ministry of Migration and Asylum. Practically, this means that applicants who are receiving their rejection today, and also those who could not file an appeal due to the destruction of the Moria RIC, will not be able to appeal against their decision legally and admissibly, as their right to free legal aid in the second instance has not been guaranteed. This represents a direct infringement of the administration's legal obligations in the second instance procedure⁴.

¹ Article 71 par. 3 of L. 4636/2016 (A'169), regarding administrative procedure before the second instance article 92-97 of L. 4636/2019.

² Article 93 of L. 4636/2019.

³ Article 78 par. 3 of L. 4636/2019.

⁴ Article 71 par.3 of L. 4636/2019.

It is also worth noting that the lack of state free legal aid raises reasonable questions, as based on the 25.09.2020 decision - announcement of the “Placement of the Register Lawyers for legal aid to the applicants of international protection”⁵, 82 registry lawyers have been approved for the whole country, **with 12 of this number intended to be deployed to Lesbos**⁶.

The aforementioned lack of free legal aid is detrimental to the rule of law and the effectiveness of the entire asylum procedure, especially taking into consideration the extremely short deadlines inherent in the border procedure as well as the gaps in access to legal aid already existing from the first instance of the asylum process.

We call on the competent authorities to respect the rule of law and refrain from acts which violate the rights of applicants. These acts infringe national and European law and may result in serious and irreparable damage to the applicants, culminating in the potential infringement of the vital principle of non-refoulement.

We call on the Regional Asylum Office to suspend the notification of first instance rejections and the corresponding submission of appeals until the Minister of Migration and Asylum guarantees that applicants will have access to free legal aid from the Register of Lawyers of Asylum Service.

The undersigning organisations:

Diotima Centre for Research on Women’s Issues

European Lawyers in Lesbos

Greek Council for Refugees

FENIX Humanitarian Legal Aid

HIAS Greece

Legal Centre Lesbos

PRAKSIS

METAdrasi - Action for Migration and Development

Refugee Support Aegean (RSA)

⁵ <https://migration.gov.gr/prokiryxeis-mitroo-dikigoron/>

⁶ According to the list of selected lawyers as of 08/01/2021 <https://migration.gov.gr/pinakes-epilegnton-epilachonton-kai-apokleiomnon-dikigoron-gia-to-mitroo-dikigoron/?fbclid=IwAR1kJZbakZLxc8IC5M06SWeRI3mrTH0FUzZsBhMFvcT8evImQyoWDJ33JB8>